

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17553 of 2019

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Smt. Manju Devi Wife of Shri Pramod Pandey, R/o Village Kamhari, P.S.-
Kurahani, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Collector, Kaimur at Bhabua.
3. The Deputy Collector, Land Reforms, Mohania, District Kaimur at Bhabua.
4. The Circle Officer, Nuaon, District Kaimur at Bhabua.
5. Shubham Kumar Pandey @ Shubham Pandey, Son of Sri Ram Pandey,
resident of Village Kamhari, P.S.- Kurhahi, District Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Respondent/s : Mr.Raj Kishore Ray (GP18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-08-2019 Heard both sides.

The petitioner is aggrieved by the order dated 28.09.2018 passed by the learned Chairman, Bihar Land Tribunal, Patna in B.L.T. case No. 1168 of 2016 by which the orders, mutating the name of the petitioner by the appellate authority as well as the revisional authority, have been set aside.

The learned counsel for the petitioner submits that petitioner purchased the land through registered sale deed on 24.07.2014 from Sri Ram Pandey and his wife, Kamla Devi, and filed petition for mutating her name before the Circle Officer on 09.09.2014. The Circle Officer rejected the petition of the



petitioner for mutating her name on the basis of sale deed executed by Sri Ram Pandey and his wife. On appeal, the appellate authority allowed the petition and directed for mutating the name of petitioner with regard to land purchased by the petitioner. The revisional authority also confirmed the order of the appellate authority but the learned Chairman, Bihar Land Tribunal set aside the order of the appellate authority and the revisional authority on the ground that Title Suit No. 646 of 2014 is pending involving title of the vendors of the petitioner and provision of Section 6(12) of Bihar Mutation Act, 2011 says that mutation of a holding or a part thereof shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court.

It is submitted that respondent No.5 claimed himself to be adopted son of the vendors of the petitioner but the vendors of the petitioner never adopted respondent No.5 and the adoption of respondent No.5 itself is doubtful. The appellate authority took into consideration the facts and only then ordered for mutating the name of the petitioner.

Having considered the submissions, I find that admittedly respondent No.5 filed Title Suit No. 646 of 2014 challenging the genuineness or authority of the vendors of the



sale deed executed by Sri Ram Pandey and Kamla Devi, vendors of petitioner. The Title Suit is still pending. The Circle Officer dismissed the petition of the petitioner for mutating her name holding that since Title Suit is pending the name of petitioner cannot be mutated. The appellate authority ignoring this fact about pendency of the title suit and the provision under Section 6(12) of Bihar Mutation Act, 2011 ordered for mutating the name of the petitioner but the learned Chairman B.L.T. set aside the order of the appellate authority as well as the revisional authority.

Section 6 (12) of the Bihar Mutation Act, 2011 says that **“Mutation of a holding or a part thereof shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court.”**

The aforesaid provision expressly mandates that the mutation authority shall refrain from mutating the name of any person with regard to land for which Title Suit is pending but the appellate authority as well as the revisional authority ignoring the provisions of law ordered for mutating the name of the petitioner on the basis of sale deed executed in favour of the petitioner.

Thus, I find that the order of the learned Chairman,



Bihar Land Tribunal is perfectly right and the same does not require any interference. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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