

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7360 of 2016

1. Most. Sharda Kuer widow of late Asha Mahto
2. Sunil Singh
3. Amar Singh
4. Anand Singh Nos.2 to 4 sons of Late Asha Mahto,
All residents of Village- Bharatiganj, P.S.- Sasaram, Post Office- Sasaram,
Post Office- Sasaram District- Rohtas at Sasaram.
5. Gita Devi, wife of Suresh Mahto and daughter of Late Asha Mahto, resident
of Village Bahamaur, P.O.+ P.S.- Sheo Sagar, District Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Rohtas.
3. The Deputy Collector, Land Reforms, Rohtas
4. The Circle Officer, Sasaram, District- Rohtas.
5. Ram Prasad Chaurasiya son of Late Rup Narayan Chaurasiya, resident of
Village Bhartiganj, Police Station Sasaram District- Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh
For the Respondent/s : Mr. Satyadeo Kumar- Sc5

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-11-2019 Heard both sides.

Petitioners have filed this writ petition for quashing the order dated 14.03.2016 passed by the Member Administrative, Bihar Land Tribunal in B.L.T. Case No.104 of 2015 by which the order passed by the Additional Collector, Rohtas in Mutation Revision No.127 of 2013 has been set aside and the orders passed by the Deputy Collector Land Reforms, Rohtas and the Circle Officer in mutation appeal and mutation



case respectively have been confirmed.

Learned counsel for the petitioners submits by referring the finding of the Tribunal that the petition before the Tribunal is not maintainable in view of the fact that two title suits are already pending with regard to the same dispute between the parties. The Member Administrative should not have set aside the order passed by the Additional Collector.

On perusal of the records, it appears that the private respondent filed Mutation Case No.1995/2008-09 before the Circle Officer to mutate his name. The Circle Officer allowed the mutation case. The petitioners filed Mutation Appeal No.67 of 2012-13 before the D.C.L.R. which was dismissed. Thereafter the petitioners filed Mutation Revision No.127 of 2013 and the Additional Collector allowed the mutation revision and set aside the orders passed by the Circle Officer and the D.C.L.R. in mutation case and mutation appeal respectively. The order of the Additional Collector was set aside by the Member Administrative in B.L.T. Case No.104 of 2015 on the ground that two title suits with regard to the title of the parties are pending in the civil court.

Having considered the facts aforesaid, I find that the Member Administrative, B.L.T. has passed right and legal order,



which does not require any interference. Accordingly, this writ
petition is dismissed.

(Prabhat Kumar Jha, J)

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