

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18031 of 2019

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Rustam Khan Son of Late Babu Khan, Resident of Village-Gulab Bhag, P.S. Sadar, District-Purnea, Holder of General Power of Attorney Executed and Issued by Sri Bachneshwar Prasad Singh, Son of Late Ram Nehora Singh of Dhanora, P.S. Kolganj, District Bhagalpur. Presently residing at Line Bazar Purnea, P.S. K.Hat, District Purnea as His Lawful attorney Vide General Power of Attorney, Book-No. 285, Volume No.3, Page 232 to 237 registered as 10.06.2011 at Sub-Registry Office, Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Purnea.
3. The Additional Collector, Purnea.
4. The Deputy Collector, Land Reforms, Sadar Purnea
5. The Circle Officer, Purnea.
6. The International Public School, Rambag through Bibi Shabana Pravin, Wife of Dr. Md. Asad Imam of Naya Tola, Line Bazar, Purnea, P.S. K.Hat, District Purnea.
7. Sri Laxmi Prasad Sah, Son of Late Turai Sah, Resident of Village- Sarochia, P.S. Kasba, District Purnea, Holder of General Power of Attorney Vide No. 07 of Book-IV, Dated 31.01.1996 Registered at Sub-Registry Officer and District Purnea Executed and Sued Lawful Attorney By Bachneshwar Prasad Singh, Son of Late Ram Nehora Singh of Line Bazar Purnea, P.S. K.Hat, District-Purnea.
8. Bachneshwar Prasad Singh, Son of Late Ram Nehora Singh, Resident of Village-Dhanora, P.S. Kolganj, District-Bhagalpur. Presently residing at Line Bazar, Purnea, P.S. K. Hat, District Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-09-2019 Heard both sides.

The petitioner by filing this writ petition seeks
quashing of the order dated 23.10.2018 passed by the Member
(Administrative), Bihar Land Tribunal, Patna in B.L.T. case No.



1207 of 2015, the order dated 19.12.2014 passed by Additional Collector, Purnea in Mutation Revision No. 77 of 2014, the order dated 06.02.2014 passed by the Deputy Collector, Land Reforms, Purnea in Mutation Appeal No. 15/2011-12 as well as the order dated 30.07.2019 passed by the Circle Officer, Purnea East in Mutation Case No. 824 of 2009-10 mutating the name of respondent No.6.

The learned counsel for the petitioner submits that respondent No.7 did not hold the power of attorney of the land owner, respondent No.8, but respondent No.7 executed sale deed on behalf of Bachneshwar Prasad Singh, respondent No.8, in favour of respondent No.6 and the revenue authorities mutated the name of respondent No.6. It is submitted that sale deed executed by respondent No.7 in favour of respondent No.6 is void document and on such the name of respondent No.6 should not have been mutated and all the revenue courts failed to appreciate the facts and mutated the name of respondent No.6 but on the face of it, it appears that the Circle Officer, on the basis of sale deed executed by power of attorney holder, respondent No.7, mutated the name of respondent No.6 in Register-II. The revenue authorities have got no jurisdiction to declare a sale deed void, inoperative or illegal and for such



relief only the Civil Court has got competent jurisdiction.

Thus, I find no reason to interfere in the impugned orders. This writ petition is, accordingly, dismissed.

It goes without saying that any finding recorded by the revenue authorities including the Learned Member (Administrative) Bihar Land Tribunal, Patna, while dismissing the case of the petitioner, is not binding and the petitioner has got liberty to move before the appropriate authority/court for declaration of the sale deed illegal, void and inoperative.

(Prabhat Kumar Jha, J)

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