

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22287 of 2019

1. S. M. Arshad Ali
2. Md. Aslam Ali,
Both sons of Late S.M. Shaukat Ali, resident of Murarpur, Police Station Kotwali, Town Gaya, District Gaya, presently residing at P & T Colony, Police Station Kotwali, Town Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Deputy Collector, Land Reforms, Gaya.
4. The Anchal Adhikari, Fatehpur, Gaya.
5. Mahendra Bhuiyan, son of Late Prabhu Bhuiyan
6. Banwari Bhuiyan, son of Kishun Bhuiyan
7. Karu Bhuiyan, son of Itwari Bhuiyan
8. Parsadi Bhuiyan, son of Daso Bhuiyan
9. Baleshwar Bhuiyan, son of Govind Bhuiyan
10. Rambali Bhuiyan, son of Kishun Bhuiyan
11. Kuleshwar Bhuiyan, son of Bishun Bhuiyan
12. Kailash Bhuiyan, son of Puna Bhuiyan,
Nos.5 to 12 all are resident of Manpur, Anchal Fatehpur, Post Office Fatehpur, Police Station Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Khatim Reza
For the Respondent/s	:	Mr.Subash Chandra Yadav (GP15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioners and the
learned counsel for the State.

The petitioners sought relief for a direction to the
C.O. to mutate the names of the petitioners with regard to the
land in question.



Learned counsel for the petitioners submits that the ancestor of the petitioners was the owner of the land. After vesting of State, the ex-landlord filed return in the name of the ancestor of the petitioners but due to inadvertence, the record of rights of the land was prepared in the name of the State of Bihar and the ancestor of the petitioners was shown in illegal possession of the land. S.M.Hasmat Ali, brother of the petitioners filed Title Suit No.284 of 1992 for declaration of title before the Munsif II, Gaya and the learned Munsif decreed the suit. It is further submitted that S.M. Hasmat Ali, brother of the petitioners gifted the property to the petitioners. Thereafter the petitioners filed petition for mutating their names and for issuance of rent receipts but the C.O. and the D.C.L.R. before whom also the petitioners filed petition, did not pass any order.

Admittedly, during the revisional survey, the land in question was recorded in the name of State of Bihar and the ancestor of the petitioners was shown in illegal possession of the land. The brother of the petitioners filed the suit being Title Suit No.284 of 1992 for declaration of title but no prayer for correction of record of rights was made. Unless the record of rights is ordered to be corrected by the competent authority, the C.O. cannot mutate the name of the petitioners on the basis of



the gift deed executed by the brother of the petitioners. Thus, I find no merit in this writ petition and no direction can be issued to the C.O. to mutate the land in the names of the petitioners and issue rent receipts. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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