

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23966 of 2019

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Md. Qutbuddin Son of Late Md. Masih (Registrar C.A.T. Patna Retired),
resident of Mohalla Alba Colony, Phulwarisharif, Police Station-
Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department and Land Reforms Department, Bihar, Patna.
2. The Bihar Land Tribunal, Patna.
3. The Collector, Patna.
4. The Additional Collector, Patna.
5. The Deputy Collector, Land Reforms (D.C.L.R.), Patna.
6. The Anchal Adhikari, Phulwarisharif Anchal, District-Patna.
7. Razia Quraishi, D/o Smt. Nanki Quraishi and Late Usman, Resident of Mohalla-Kasaitola, P.S. Phulwarisharif, District-Patna.
8. Nashur Azmal, Son of Late Ajmal Hussain, Secretary Alba Grih Nirman Samiti, Haroon Nagar Sector-II, Patna, P.S. Phulwarisharif, District-Patna.
9. Ram Autar Paswan
10. Ram Janam Paswan
11. Suresh Paswan
12. Ram Bali Paswan, All sons of Late Gulab Chand Paswan
13. Kameshwar Paswan, S/o Late Lakhan Paswan
14. Lal Bahadur Paswan, Son of Late Ram Pd. Paswan,
All residents of Village-Ranipur, P.S. Phulwarisharif, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Shahab Khalil
For the Respondent/s	:	Mr.Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2019 Heard both sides.

The petitioner filed this writ petition to quash the order dated 15.10.2019 passed in B.L.T. Case No.1066 of 2015 by Member(Administrative), B.L.T. by which the order of the Collector passed in Mutation Revision No.2 of 2002-03 has been affirmed.

Mr. Raghiv Ahsan, learned senior counsel for the



petitioner submits that land of Plot No.3839 of Khata No.1606 was standing in the name of Jodhan Mian. Jodhan Mian sold the land in favour of Sobrati Mian by registered sale deed dated 19.07.1911. Sobrati Mian also executed sale deed in favour of Gulabchand Paswan on 03.10.1913. Son of Gulabchand executed the sale deed in favour of Alba Sahkari Grih Nirman Samiti on 09.08.1991. Petitioner purchased the land by a registered sale deed dated 04.05.1992 from Alba Sahkari Grih Nirman Samiti. Learned senior counsel for the petitioner further submits that when petitioner filed petition for mutating his name, Circle Officer rejected the petition for mutating the name of the petitioner on the ground that the land of Plot No.3839 of Khata No.1606 does not stand in the name of vendor of the petitioner. The vendor of the petitioner was also noticed but he could not be able to show any document. In appeal, the D.C.L.R. ordered for mutation of the name of the petitioner on the ground that the petitioner presented all the documents of transfer of the land of Plot No.3839 of Khata No.1606 from Jodhan Mian to the vendor of the petitioner and on such, the appeal was allowed. The respondent No.7 preferred mutation revision before the Collector but the Collector set aside the appellate order passed by the D.C.L.R. holding that the name of the vendor of the petitioner does not appear in the record of rights and, therefore, the mutation in the name of the petitioner cannot be done unless the petitioner is able to show that the vendor of the petitioner got the land in proper way. The learned Member(Administrative), B.L.T. also dismissed the case of the petitioner on the same ground. Mr. Raghiv Ahsan, learned senior counsel for the petitioner further submits that petitioner is in possession of the land and he has already constructed house



thereon. The possession itself is a good ground for mutation but it is evident that possession is one of the grounds for mutating the name of a person. The main grounds are the way of transfer by any mode in the name of a person who sought mutation in his name from the recorded tenant. It is evident from the order impugned that the name of the vendor of the petitioner was not appearing in the record of rights. Respondent No.7 disputed the transfer or execution of sale deed by her forefather and her name has already been mutated. Therefore, I do not find any illegality in the order. Having considered the facts aforesaid, this writ petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

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