

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 24452 of 2019

Jamir Lal Uraon, Son of Late Ramchandra Uraon, aged 60 years, Male
Resident of Village- Mongra, Gumati Tola, P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Katihar, Collectorate, District- Katihar.
2. The Chairman, the Bihar Land Tribunal, Patna, Off. Polo Road, Patna.
3. The D.C.L.R. Katihar, S.D.O. Office Katihar, District Katihar.
4. The Circle Officer, Katihar, P.S. Katihar, District Katihar.
5. Harendra Kumar Uraon Son of Late Gunja Uraon, 55 years, Male, Resident of Village- Sardahi, P.O.- Dalan, P.S.- Mufassil, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Praween Kumar Jaipuriyar, Mr. Anshuman Jaipuriyar and Miss. Anukriti Jaipuriyar, Advocates
For the State	:	Mr.Subash Chandra Yadav (Gp15)

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the petitioner and learned AC
to GP 15 for the State.

2. The petitioner has moved the Court for the following
relief:

*“That this is an application Under
Article 226 of the Constitution of India for issuance
of a Writ in the nature of Certiorari, or in any other
appropriate Writ, Order or direction, challenging
the Orders passed by the Hon’ble Member, **B.L.T.***



Patna, dated 18.03.2019 (Annexure-1), whereby the Land Tribunal has dismissed the B.L.T. Case No. 682/2017, and thereby Hon'ble Member (A), B.L.T. Patna, has affirmed the order of Additional Collector, Katihar, passed in Revision Case No. 133 of 2016, by an order dt. 08.07.2017 (Annexure-2), which had set aside the reasoned order of D.C.L.R. Katihar, dated 22.12.2015 (Annexure-3), with a direction to the Circle officer, Katihar to restore the Jamabandi of the petitioner, for the land in question of, whereby the Hon'ble Member, B.L.T. Patna, embark upon deciding the title of the parties for the land in question."

3. The factual matrix of the case is that the father of the petitioner had bought 99 decimals of land from the original land holder and after mutation were continuing in possession. In the year 2012, the respondent no. 5 claimed that the petitioner had transferred 44 decimals of the land in his favour by registered sale deed. Based on the same, he got mutation done of the land in question in his favour by the concerned Circle Officer. Challenge to the same by the petitioner resulted in the mutation order being set aside in appeal by the DCLR, Katihar. The respondent no. 5 moved before the Additional Collector, Katihar in revision and order was again passed in his favour restoring the mutation order passed by the Circle Officer. The petitioner, thus, moved before the Bihar Land Tribunal, Patna in BLT Case No. 682 of 2017, which resulted in upholding of order passed in revision, which is against the petitioner.



4. Learned counsel for the petitioner submitted that the orders passed against him has missed the basic point that though the sale deed is said to have been executed by the petitioner, it was not and, thus, it is a case of fraud and forgery.

5. Learned counsel for the State submitted that during enquiry it has come that the co-sharers of the petitioner have accepted that the land was transferred by the petitioner with their consent.

6. Having regard to the aforesaid, the Court finds that once a sale deed executed by the petitioner is the basis of the controversy, if the petitioner contends that the said sale deed was not executed by him, the only remedy available to him is to move before the Civil Court of competent jurisdiction for setting aside the sale deed in question.

7. In view thereof, the writ application stands disposed off with liberty to the petitioner to move before the Civil Court of competent jurisdiction with regard to setting aside of the sale deed in question. Upon decision by the Court, consequences shall follow, including the right in favour of the parties with regard to getting mutation done. The Court would only observe that any finding in the orders passed by all the authorities concerned shall not cause prejudice to any of the parties concerned and the Court



shall proceed in the matter and decide the issue on the basis of facts produced before it, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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