

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.671 of 2020

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Rajendra Paswan Son of Late Bechan Paswan Resident of Village-
Gospurpatti, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Collector, Supaul.
3. The Deputy Collector, Land Reforms, Birpur (Supaul).
4. The Circle Officer, Basantpur (Supaul).
5. Budhani Devi, Wife of Late Bechan Paswan, Resident of Village-
Gospurpatti, P.S.- Birpur, District- Supaul.
6. Savita Devi, Daughter of Late Bechan Paswan, Resident of Village-
Gospurpatti, P.S.- Birpur, District- Supaul.
7. Ramdeo Paswan Son of Late Musai Paswan Resident of Parasa, P.S.- Balua
Bazar, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Respondent/s : Mr.Raj Kishore Roy (GP18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-01-2020 Heard both sides.

The petitioner filed this writ petition to quash the order dated 12.09.2018 passed by learned Judicial Member, Bihar Land Tribunal, Patna in B.L.T. Case No.992 of 2016 by which the learned Judicial Member, Bihar Land Tribunal dismissed the petition of the petitioner and affirmed the order of the Additional Collector as well as the order of the Circle Officer.



The respondent No.5, Budhani Devi filed petition before the Circle Officer(Annexure-1) that the land in question is standing in the name of Fulwatti Devi(her mother-in-law) and, therefore, the land be recorded in the name of legal heir of Fulwatti Devi. The petitioner filed objection before the Circle Officer that Fulwatti Devi got one son namely, Bechan Paswan and petitioner(Rajendra Paswan) is sole son of Bechan Paswan. Budhani Devi got Ramdeo Paswan from her first husband and thereafter, Budhani Devi got married to Bechan Paswan. Thereafter, Circle Officer on the basis of the report and genealogy table submitted by the Mukhiya, Gram Panchayat and other officials ordered for mutation of the name of Budhani Devi, her sons namely Rajendra Paswan and Ramdeo Paswan and daughter, Savita Devi in the record of rights. The petitioner filed appeal before the D.C.L.R. being Mutation Appeal No.66 of 2013. The D.C.L.R. held that there is bonafide dispute with regard to the legal heirs of Fulwatti Devi and accordingly, set aside the order of the Circle Officer passed in Mutation Case No.354 of 2013-14. In revision, the Additional Collector vide order dated 18.04.2016 held that on the basis of the certificate granted by the competent authority containing the genealogy, Bechan Paswan got two sons and one daughter from Budhani



Devi and there is no material on record that Budhani Devi was married to someone else and got Ramdeo Paswan from her first wedlock, accordingly, ordered for mutation of the names of all the legal heirs of Budhani Devi in the record of rights. Learned Judicial Member, B.L.T. also dismissed the petition filed by the petitioner on the same ground and held that if the petitioner is disputing genealogy and the fact that Ramdeo Paswan is not the son of Bechan Paswan, the petitioner may get the dispute resolved by filing civil suit.

Learned counsel for the petitioner assailed the order and submitted that the petitioner also filed genealogy table but the same has not been considered.

It is not disputed that Budhani Devi is the wife of Bechan Paswan and the petitioner disputed the fact by asserting that Budhani Devi got Ramdeo Paswan from her first marriage. It is the petitioner who has to prove this fact and this dispute can only be resolved and decided in the civil suit not in a mutation proceeding. The Circle Officer on the basis of the report with regard to genealogy of Bechan Paswan ordered for mutation of the names of all the surviving legal heirs of Bechan Paswan. Therefore, I find that learned Judicial Member, Bihar Land Tribunal has rightly dismissed the case of the petitioner.



Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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