

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4049 of 2020

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1. Shankar Kumar
 2. Babloo Kumar
 3. Dharmendra Kumar,
All are sons of Binde Chauhan, All are resident of Village- Bhadauni, P.S.
and Anchal- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Nawada, District- Nawada.
3. The Land Reforms Deputy Collector, Nawada, District- Nawada.
4. The Anchal Adhikai, Nawada Sadar, District- Nawada.
5. Brahmdeo Chaudhary, Son of late Narayan Chaudhary
6. Smt. Suma Devi, Wife of late Basant Chaudhary
7. Sitaram Chaudhary, Son of late Lakhan Chaudhary,
Sl. Nos.5 to 7 are resident of Village- Bhadauni, P.S. Nawada, District-
Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19) Mr. Akhilesh Kumar Sinha, A.C. to S.C.19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-02-2020 Heard both sides.

The petitioners in this writ petition seeks quashing of the order dated 12.07.2018 passed by the learned Member, Bihar Land Tribunal, Patna in B.L.T. Case No.1075 of 2016 by which the order dated 15.02.2011 passed by the Additional Collector, Nawada in Mutation Revision Case No.79R/2009/36R/2009/01R/2010 as well as the order dated 05.08.2009/19.08.2009 passed by the D.C.L.R., Nawada in



Mutation Case No.30 of 2008-09 contained in Annexure-6, 4 and 3 by which the order dated 04.07.2007 passed by the Anchal Adhikari, Nawada in Mutation Case No.403 of 2007-08 has been set aside.

The gist of the case is that one Yanul Hussain had two wives namely, Amna Khatoon and Mahmoodan Khatoon. The petitioners are the purchasers of the disputed land from the son of Mahmoodan Khatoon, the second wife of Yanul Hussain and filed petition for mutation of their names. The Circle Officer mutated the names of the petitioners but on appeal, the D.C.L.R., Nawada allowed the appeal holding that Amna Khatoon, the first wife of Yanul Hussain has already executed the sale deed with regard to disputed land and so long as the sale deed is in existence, the mutation in the name of the petitioners on the basis of subsequent sale deed is not legal and this order has been confirmed in revision as well as by the learned Member, Bihar Land Tribunal. Learned counsel for the petitioners submits that in an amicable partition, the disputed land fell in the share of Mahmoodan Khatoon, second wife of Yanul Hussain but the factum of partition is yet to be proved. The petitioners are admittedly the subsequent purchasers from son of Mahmoodan Khatoon and prior to the execution of sale



deed by the Mahmooda Khatton, Amna Khatoon, first wife of Yanul Hussain had already executed sale deed in favour of private respondents. Therefore, I find no illegality in the order dismissing the petition of the petitioners for mutating their names.

Having considered the facts aforesaid, this writ petition is dismissed as devoid of any merit. The petitioners, if so advised, may file suit for declaration of title.

(Prabhat Kumar Jha, J)

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