

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.100 of 2020

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Bishwanath Das @ Vishwanah Das Son of Late Munshi Das Resident of
Mohalla- Durgapur, Gaushala, Police Station- Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Katihar, District- Katihar.
2. The Member Administrative, The Bihar Land Tribunal, Patna.
3. The Additional Collector, Katihar, District- Katihar.
4. The Deputy Collector of Land Reforms, Katihar, District- Katihar.
5. The Circle Officer, Katihar, Police Station- Barsoi, District- Katihar.
6. Vinay Kumar Singh
7. Nagmani Singh both serial No.6 and 7 are sons of Late Kamta Prasad Singh,
both are residents of Mohalla- Durgapur, Gaushala, Post Office- Katihar,
Police Station- Katihar, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-01-2020 Heard both sides.

The petitioner filed this writ petition to quash the order dated 02.08.2019 by which the learned Member(Administrative), Bihar Land Tribunal set aside the order of the Circle Officer dated 06.08.2010 passed in Mutation Case No.1635 of 1999-2000 and the order of the D.C.L.R. dated 24.04.2012 passed in Mutation Appeal No.284 of 2010-11 and the order of the Additional Collector dated 17.12.2016 passed in Mutation Revision Case No.635 of 2012-13 on the ground that the Circle Officer during the pendency of Title Suit No.29 of



2003 ordered for mutation of the name of the petitioner with regard to the disputed land subject matter of Title Suit No.29 of 2003. The Mutation Act itself provides that if there is any suit with regard to the land in question is pending questioning the title of a party, the Mutation Authority should not mutate the name of any person during the pendency of the title suit but it appears that Circle Officer firstly ordered for mutation of the name of the petitioner with regard to disputed land although this fact was brought to the notice of the Circle Officer that a title suit is going on between the parties for which a Title Suit No.29 of 2003 is pending. The D.C.L.R. as well as Additional Collector dismissed the appeal and revision confirming the order of the Circle Officer.

Of the face of it, it appears that Circle Officer committed illegality and ordered for mutation of the name of the petitioner with regard to the disputed land for which Title Suit No.29 of 2003 is pending. Learned Member(Administrative), Bihar Land Tribunal set aside all the three orders on this ground alone that mutation should not have been ordered to be done in favour of the petitioner during the pendency of Title Suit No.29 of 2003. Therefore, I find no illegality in the order passed by the learned Member(Administrative), Bihar Land Tribunal.



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

(Prabhat Kumar Jha, J)

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