

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.555 of 2020

Sanjay Kumar Singh alias Sanjay Singh Son of Late Pratap Narayan Singh @
Lallan Singh Resident of Village Dhanechha, P.O. and P.S. Durgawati,
District Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Kaimur at Bhabua.
3. The Deputy Collector of Land Reforms, Mohania, District Kaimur at Bhabua.
4. The Circle Officer, Durgawati, Anchal-Durgawati, District-Kaimur at Bhabua.
5. Sanjeev Singh Son of Late Lallan Singh
6. Chandrama Singh Son of late Harihar Singh
7. Chandradhar Singh Son of Late Harihar Singh
8. Surendra Singh Son of Late Harihar Singh
9. Bachan Singh Son of Late Nagina Singh
All 5 to 9 are residents of Village- Dhanechha, P.S.-Durgawati, P.O.-
Durgawati, District-Kaimur at Bhabua.
10. Mahendra Singh Son of Late Nagina Singh
11. Jitendra Singh Son of Late Nagina Singh
Both 11 and 12 are resident of Village- Dhanechha, P.S.-Durgawati, District-
Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan
For the Respondent/s : Md. Khursid Alam (AAG12)

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 09.02.2018 passed by the learned Chairman, Bihar
Land Tribunal in B.L.T. Case No.415 of 2016 by which learned
Chairman remanded the case to the Circle Officer, Bhabua for



passing order afresh in Mutation Case No.793 of 2013-14 in accordance with law after granting adequate opportunity to the parties for hearing and adducing evidence.

The petitioner(Sanjay Kumar Singh) along with respondent Nos.5 to 8 filed petition for mutating their names on the basis of the schedule given in the petition. The Circle Officer ordered for mutation of the names of the petitioner and respondents according to the schedule given in the petition. Respondent Nos.10 and 11 namely, Mahendra Singh and Jitendra Singh filed appeal before the D.C.L.R.. The D.C.L.R. set aside the order of the Circle Officer. Against the order of D.C.L.R. passed in mutation appeal, the petitioner filed mutation revision before the Additional Collector who firstly remanded the matter to the D.C.L.R. to decide their case afresh in accordance with law but the appellate authority-D.C.L.R. again passed the same order. Thereafter the petitioner filed mutation revision before the Additional Collector and the Additional Collector set aside the order of the appellate authority and affirmed the order of the Consolidation Authority passed in Mutation Case No.793 of 2013-14 against which respondent Nos.10 and 11 filed case in Bihar Land Tribunal in B.L.T. Case No.415 of 2016. Learned Chairman by the



impugned order noticed that prior to filing of the petition by the petitioner and respondent Nos.5 to 8 of this writ petition, there was partition among the parties who are the descendants of the common ancestor in Consolidation Case No.96 of 1989 and 56 of 1973. On bare perusal of Annexure-1, the petition filed before the Consolidation Officer and the schedule appended in the order of the Consolidation Authority showing partition of land in the name of different co-sharers, the learned Chairman found differences in the schedule and on that ground set aside the order of the revisional authority as well as the order of the Circle Officer and remanded the case to the Circle Officer to decide the matter afresh after hearing both the parties and allowing them to adduce the evidence.

Learned counsel for the petitioner assailed the order on the ground that Circle Officer is not authorized or the jurisdiction is not vested in him to enter into the disputed question of title.

It is needless to state that Circle Officer while dealing with the mutation case is not empowered to entered into the disputed question of title but when the parties have agreed that they have amicably partitioned the properties and their names should be accordingly mutated on the basis of the mutual



partition, the Circle Officer may pass order in accordance with law.

Having considered the facts, I do not find any reason to interfere in the order impugned. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

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