

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2815 of 2020

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Dinesh Kumar Yadav, aged about 54 years, Male, Son of late Suresh Yadav,
Resident of Village Khushahara, P.O. Amawari, P.S. Andar, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Siwan.
2. The Additional Collector, Siwan.
3. The D.C.L.R., Siwan Sadar.
4. The Circle Officer, Andhar.
5. Mahanth Bhagat, Son of late Chandeshwar Bhagat, Resident of Village Kushahara, P.O. Amwari, P.S. Andhar, District Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Mukesh Kumar No.1, Advocate
For the State	:	Mr. Rishi Raj Sinha, S.C.19
		Mr. Akhilesh Kumar Sinha, A.C. to S.C.19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-02-2020 Heard both sides.

The petitioner seeks quashing of the order dated 15.11.2019, passed in B.L.T. Case No.647 of 2018 and B.L.T. Case No.643 of 2018 and further prays to quash the order dated 17.07.2018, passed by the Additional Collector, Siwan in Mutation Revision Case No.30 of 2017-18 as well as the order dated 07.07.2017, passed by the D.C.L.R., Siwan Sadar in Mutation Appeal Case No.89 of 2015-16, whereby the D.C.L.R. set aside the order dated 15.01.2015, passed in Mutation Case No.1078 of 2014-15.

The petitioner purchased the land of Khesra No.4626 of



Khata No.315, area 16 Kathas 12 Dhurs on 11.11.2004. The petitioner filed Mutation Case No.1078 of 2014-15 before the Circle Officer. The Circle Officer ordered for mutation of the name of the petitioner vide order dated 15.01.2015, passed in Mutation Case No.1078 of 2014-15. Mahanth Bhagat, respondent no.5 being aggrieved by the order dated 15.01.2015, passed in Mutation Case No.1078 of 2014-15, filed Mutation Appeal No.89 of 2015-16 before the D.C.L.R. and the D.C.L.R. allowed the appeal and set aside the order passed by the Circle Officer holding that the Jamabandi of the disputed land measuring 13 Kathas 6 Dhurs vide Jamabandi No.666 stands in the name of the appellant, Mahanth Bhagat, respondent no.5 in this writ petition. Mahanth Bhagat was not noticed and the Circle Officer illegally mutated the name of the petitioner. The order of the D.C.L.R. has been affirmed by the Additional Collector, Siwan in Mutation Revision Case No.30 of 2017-18. The learned Member (Administrative), Bihar Land Tribunal, Patna also dismissed the case filed by the petitioner against the appellate and revisional order of the D.C.L.R. and the Additional Collector. Learned counsel for the petitioner submits that the Circle Officer, on the basis of the report of the Revenue Clerk and the Circle Inspector, found the petitioner in possession of the land and thereafter ordered for mutating the name of the petitioner, therefore, the order of the appellate authority, the



revisional authority and the learned Member (Administrative), Bihar Land Tribunal, Patna are illegal but I find no substance in the submissions of the learned counsel for the petitioner as it appears that the disputed land was earlier mutated in the name of Mahanth Bhagat vide Jamabandi No.666. The Circle Officer did not issue notice to Mahanth Bhagat. Jamabandi was not standing in the name of the vendor of the petitioner and, therefore, the Circle Officer has illegally without giving notice to the Jamabandi holder ordered for mutating the name of the petitioner on the basis of the sale deed executed by a person in whose name Jamabandi was not standing and, therefore, I find that the order passed by the Bihar Land Tribunal, Patna as well as the appellate and revisional authority are legal and do not require any interference.

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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