

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.432 of 2019

In
Civil Writ Jurisdiction Case No.3486 of 2019

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1. Sukhnandan Sah, Son of Late Jamun Sah
 2. Santosh Kumar Son of Late Sitaram Sah
 3. Manoj Kumar Son of Late Sitaram Sah
 4. Shivjee Sah Son of Late Lala Sah
 5. Most. Vijaya Lakshmi Devi W/o Late Ram Nath Sah.
 6. Vikash Kumar Son of Late Ram Nath Sah
 7. Suman Kumar Son of Late Ramnath Sah

All resident of Village- Mahua, Singrai, Police Station- Mahua, District -Vaishali.

8. Pratima Devi D/o Ramnath Sah Wife of Manibhushan Kumar @ Ranjeet Kumar, Resident of Village- Chakia, Police Station- Chakia, District -East Champaran.
9. Urmila Devi, W/o Ganesh Sah, D/o Late Mahesh Sah at present Resident of Village- Teknari, Police Station- Patepur, District -Vaishali.
10. Ram Shankar Sah Son of Late Lala Sah Resident of Village- Mahua, Singrai, Police Station- Mahua, District -Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue Department, Government of Bihar, Old Secretariat, Patna.
2. The Hon'ble Chairman Bihar Land Tribunal, Patna.
3. The Collector Vaishali at Hajipur, District- Vaishali.
4. The Additional Collector Vaishali at Hajipur, District- Vaishali.
5. The Duputy Collector Land Reforms, Mahua, District- Vaishali.
6. The Circle Officer Mahua, District- Vaishali.
7. Vijay Kumar Son of Late Baleshwar Sah
8. Awadhesh Kumar Son of Baleshwar Sah
9. Shobha Devi D/o Late Baleshwar Sah
10. Rekha Devi D/o Late Baleshwar Sah
11. Most. Shakuntala Devi W/o Late Baleshwar Sah
Rest. 7 to 11 all resident of Village- Mahua, Singrai, Post Office and Police Station- Mahua, District- Vaishali.
12. Shakuntala Devi W/o Mundrika Sah, D/o Late Mahesh Prasad Resident of Village- Mahua, ingrain, Post Office and Police Station- Mahua, District- Vaishali.



13. Parshuram Sah, Son of late Jamun Sah, Resident of Village- Mahua, Singrai,
Post Office and Police Station- Mahua, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashutosh Jha, Advocate Mr. Avinav Kumar, Advocate Mr. Bijoy Kant Mishra, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam, AAG 12

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 30-01-2021

Having heard learned counsel for the parties, we do not find any reason sufficient enough to differ with the findings returned by the learned Single Judge, in the order dated 26th February, 2019 in CWJC No.3486 of 2019, titled as **Sukhnandan Sah & Ors. Vs. The State of Bihar & Ors.**, who has rightly held that the issue inter se the parties in relation to land falling within the ambit and scope of the Bihar Land Mutation Act, 2011 to be at best adjudicated by a Civil Court having competent jurisdiction.

We notice that the appellants lay claim on the basis of mutation, i.e. entry made in the Revenue Record, which itself would not confer any title of ownership. The authorities below including the Bihar Land Tribunal itself found the dispute not to be ad-judicable falling within the purview of the Act.



The said order cannot be said to be perverse or capricious. On merits, we need not delve any further, save and except, that a partition effected, if any, *inter se* the parties, can be best determined by the Civil Court, more so, when there are rival claims between the parties.

Hence, for all the aforesaid reasons, the present appeal stands dismissed.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
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