

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3023 of 2020

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1. Anjani Kumar Pandey S/o Late Gupteshwar Pandey resident of Mohalla- Maruti Nagar, P.O. and P.s.- Arrah (Town), District- Bhojpur
 2. Arbind Kumar Pandey S/o Late Gupteshwar Pandey, resident of Mohalla- Maruti Nagar, P.O. and P.s.- Arrah (Town), District- Bhojpur
 3. Pramod Kumar Pandey S/o Sri Sidhnath Pandey resident of Mohalla- Maruti Nagar, P.O. and P.s.- Arrah (Town), District- Bhojpur
 4. Vinay Kumar Pandey S/o Late Radheshyam Pandey resident of Mohalla- Maruti Nagar, P.O. and P.s.- Arrah (Town), District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Bhojpur at Arrah
3. The Deputy Collector, Land Reforms (DCLR), Arrah at Arrah
4. The Circle Officer (Anchala Adhikari), Arrah at Arrah
5. Rajiv Kumar @ Rajiv Kumar Sharma, son of Late Arun Kumar Sharma, Resident of Mahajan Toli No. 1, P.O. and P.s.- Arrah (Town), District- Bhojpur, The Assistant Consolidation Officer, Buxar at Buxar
6. Sahid Ali, son of Late Hafij Raza, Resident of Mohalla- Tari (Arrah), P.O. and P.s.- Arrah (Town), District- Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-07-2022 Heard the parties.

The following order was passed on 27.02.2020:

*“Learned counsel for the petitioners and
learned SC 19 for the State have assisted the Court.*

*2. The petitioners have moved the Court for the
following relief:*

*“That the present writ petition is
being filed against the order dated
25.11.2019 passed by Hon’ble The
Chairman, The Bihar Land Tribunal, Patna*



in BLT Case No. 583 of 2019 by which the learned Tribunal has failed to appreciate the facts and law both and also not applied judicial mind to interfere with the impugned orders dated 26.03.19 in Mutation Revision Case no. 02/2018 passed by the learned Collector, Bhojpur at Arrah which has been affirmed the order dated 01.03.2018 in Mutation Appeal Case No.606/2016-17 passed by D.C.L.R. Arrah by which the order dated 25.01.2017 in Mutation Case No.4382/2016-17 passed by Anchala Adhikari/C.O., Arrah has been reversed.”

3. The contention of the petitioners is that on the basis of mutation in favour of their vendor dated 25.01.2017, they had bought the lands in question through registered sale deed on 23.03.2017 and thereafter, mutation was also done in their name

on 07.04.2017. It appears that there was some dispute with regard to the land belonging to the vendor of the petitioners (respondent no. 6) for which Title Suit No. 324 of 2017 has been filed by the respondent no. 5 and others whereas, Title Suit No. 186 of 2017 has been filed by the petitioners and Title Suit No. 313 of 2017, has also been filed by the other vendees of respondent no. 6. It was submitted that the same are pending but still the authorities by order dated 01.03.2018 in Mutation Appeal No. 606 of 2016-17, passed by the DCLR, Ara Sadar, the mutation in favour of the vendor of the petitioners (respondent no. 6) has been cancelled and Mutation Revision No. 2 of 2018, filed before the Collector was also rejected by order dated 26.03.2018. It was submitted that in the meantime by order dated 20.02.2019, in Title Suit No. 324 of 2017, filed by the respondent no. 5 and others, prayer for injunction was rejected.

4. Learned counsel for the petitioners submitted that despite the same, the BLT Case No. 583 of 2019, filed by the petitioners before the Bihar Land Tribunal, Patna has



been decided against them by order dated 25.11.2019.

5. Learned counsel submitted that once title suits are pending and after considering the case of all the parties to the dispute, the Civil Court had rejected the prayer for injunction, the authorities should not have cancelled the Jamabandi and should have waited for the decision by the Civil Court in the said title suits.

6. Issue notice to the respondents no. 5 and 6, both under registered cover with A/D as well as ordinary process for which requisites etc. must be filed within one week from today.

7. The matter be listed upon service of notice or appearance of the concerned respondents, whichever is earlier, among the top five cases.

8. Until further orders, the petitioners shall not be dispossessed from the lands in question based on such cancellation of Jamabandi in favour of the vendor of the petitioners as well as the petitioners.

9. The authorities shall also file a detailed affidavit in the matter.”

Pursuant to the order of this Court notices were issued which have been validly served, no one appeared on behalf of the Respondents No. 5 and 6.

Learned counsel for the petitioners and learned counsel for the State are heard.

The impugned order of the Bihar Land Tribunal in the facts of the case has been assailed by the learned counsel for the petitioners. He submits that the mutation in his favour has been cancelled by the Authority and the same has been affirmed in Appeal as well as in Bihar Land Tribunal without application of



mind.

The names of the petitioners were mutated after the purchase of land before filing their title suit in question. The private Respondents could not get any injunction order in the title suit and the Title Suit is pending.

In these circumstances, he submits that the mutation in favour of the petitioners should not be cancelled and the authorities should have awaited the order of the final decision in the Title Suit.

This Court finds substance in the submission of the petitioners.

Learned counsel for the State has not been able to point out anything which supported the case of the Private Respondents.

The petitioners purchased the land in question and, thereafter, their names were mutated and they started paying rent. Thereafter, three title suits i.e., Title Suit No. 324 of 2017, Title Suit No. 186 of 2017 and Title Suit No. 324 of 2017 have been filed. Because of filing of the Title Suits mutation in favour of the petitioners have been cancelled.

Mutation does not confer any right upon the parties and there was no need to cancel the mutation existing in favour of



the petitioners who had purchased the land for which Title Suit have been filed subsequent to the purchase.

The order dated 25.11.2019 passed by the Bihar Land Tribunal in B.L.T. Case No. 583 of 2019, in the opinion of this Court and in the facts of the case, cannot be sustained and is hereby quashed.

Accordingly, the writ petition is allowed.

The Respondent authorities will continue with the mutation of the petitioners.

The Respondents are directed to issue rent receipts regularly to the petitioners until and unless there is an order in the Title Suit against the petitioners.

(Sandeep Kumar, J)

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