

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15880 of 2014

1. Sri Arjun Prasad son of Late Deo Narain Prasad
2. Sri Ashok Kumar
3. Sri Anjani Kumar Sons of Late Raghubansh Prasad All residents of Village - Manoharpur Kachhuara, P.S. Gaurichak, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Member (Administrative), Bihar Land Tribunal, Patna
2. The Collector, Patna
3. The Additional Collector, Patna
4. The Deputy Collector Land Reforms (in Short D.C.L.R.) , Patna
5. The Circle Officer, Sampatchak, Patna
6. Ashwini Kumar son of Late Ramdeo Prasad resident of village - Harnichak Anishabad, P.S. Gardanibagh, District - Patna

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Jitendra Kishore Verma, Advocate
For the Respondents	:	Mr. Kumar Manish SC 21
		Mr. Kumar Pankaj, AC to SC 21

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 22-09-2022 Heard the parties.

The order dated 23rd July, 2014 passed by the Member (Administrative) Bihar Land Tribunal, Patna in BLT Case no. 877 of 2013 is under challenge by the petitioners.

The petitioners have submitted that the mutation was allowed in favour of respondent no. 6 only on the basis of decree passed in Title Suit No. 63 of 1972.

Learned counsel for the petitioners further submits that decree has been set aside by this Court in First Appeal no.



704 of 1994 and the order of this Court passed in First Appeal no. 704 of 1994 has been affirmed by the Supreme Court.

The Bihar Land Tribunal in its impugned order has failed to consider all these developments and has passed a cryptic order. There is no discussion about the judgment of the Patna High Court.

Learned counsel for the petitioners has also submitted that revisional court in its order dated 03.10.2013 passed in Mutation Revision No. 29 of 2006-07 has done the same mistake and has not considered the findings of the High Court.

Learned counsel for the respondent 6 has submitted that judgment of the High Court in First Appeal no. 704 of 1994 is of no help to the petitioners as the possession of the petitioners has not been dealt with and right has been directed to be decided in separate suit.

Considering the submissions of the parties, both order dated 23rd July, 2014 passed by the Member (Administrative) Bihar Land Tribunal, Patna in BLT Case no. 877 of 2013 and order dated 03.10.2013 passed in Mutation Revision No. 29 of 2006-07 are hereby set aside and the matter is remitted back to the Bihar Land Tribunal , Patna and the same shall be decided in accordance with the law.



Seeing the controversy, it is directed that the Chairman, BLT himself will hear the matter and will not assign to other Members of BLT. During the pendency of the matter in BLT, the order dated 03.10.2013 passed in Mutation Case No. 29 of 2006-07 shall remain in abeyance.

None of the parties will be issued any rent receipts during the pendency of the matter in BLT and both the parties are restrained from creating third party right in the property as it has been alleged by the parties that sale deed has been executed by the respondent no. 6 taking advantage of the order of the BLT.

It is expected that the Chairman, BLT will decide the matter expeditiously. The parties are directed to appear before the BLT along with a copy of this order on 10.10.2022. Thereafter the matter will be heard as per convenience of the learned Chairman, BLT.

With the aforesaid observations and directions, this writ petition is disposed of.

(Sandeep Kumar, J)

BT/Harsh

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