

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1372 of 2019

In

Civil Writ Jurisdiction Case No.16357 of 2019

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Syed Irfan Ashraf S/o Habibur Ashraf Resident of Village - Pir Bigaha, P.S.-
Chandauti, Anchal- Belaganj, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. The Collector Gaya
3. The Additional Collector Gaya
4. The Deputy Collector Land Reforms, Gaya
5. The Circle Officer Belaganj, Gaya
6. Aftab Ahamad S/o Late Gholam Mustafa Resident of village- PirBigaha,
P.s.- Chandauti, Anchal- Belaganj, Distt.- gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Shekhar Verma, Advocate
Mr. Radha Mohan Pandey, Advocate
For the Respondent/s : Mr. Md.Khurshid Alam (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 05-12-2022

Heard Mr. Chandra Shekhar Verma, learned

Advocate for the appellant and Ms. Ritika Rani for the
respondent no. 6.

The appellant though claims to be related to the
parties, but has staked his claim over a piece of land on
the basis of an unregistered deed of gift, whereas the



respondent no. 6 has a registered deed of gift with respect to the same plot of land.

It appears from the impugned order of the learned Single Judge that one Md. Abid Hussain had two sons viz. Golam Mustafa and Abdul Sakur. After the partition in the family, one acre of land was allotted to both the sons of Abid Hussain. The respondent no. 6 is the son of Golam Mustafa. The appellant, on the basis of an unregistered gift deed dated 21.11.2005, as noted above executed by Ahmad Mujtaba son of Abdul Sakur claimed mutation *vide* Mutation Case No. 936/2005-06, which was allowed by the Circle Officer.

The aforesaid order of mutation was challenged by respondent no. 6 before the appellate authority but to no avail. Thereafter, the matter was brought to Bihar Land Tribunal which set aside both the orders after relying upon the judgment of this Court in **Ramjee Prasad Singh vs. State of Bihar 2008(3) PLJR 245** that any complex



question of law involving title cannot be adjudicated by any other authority except a competent Civil Court.

The learned Single Judge did not find any fault with the aforesaid decision of the Tribunal and also found the claim of the appellant to be factually incorrect.

The parties appear to have already approached the competent Civil Court for the needful.

There is no reason for our interference in the order passed by the learned Single Judge.

The appeal has no merits and is thus dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

krishna/-

AFR/NAFR	NAFR
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