

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2739 of 2023

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Satyendra Kumar Singh Son of Late Madan Prasad Singh Resident of New Chandmari, Near Durga Mandir, Police Station Town (Motihari), District-East Champaran, presently residing at 804, HIG, Y-1, Yamuna Block, Sector-D 6, Police Station Vasant Kunj, District- South West Delhi, New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Collector, Patna.
3. The Deputy Collector Land Reforms, Danapur, Patna.
4. The Circle Officer, Danapur, Patna.
5. Ramjee Rai, Son of Late Sheo Nath Rai Resident of Mohalla Ranighat, Police Station Sultanganj, District- Patna, presently residing at Gosai Tola, Police Station Patliputra, District- Patna.
6. Sanjay Kumar, Son of Late Bhagwan Rai Resident of Mohalla Ranighat, Police Station Sultanganj, District- Patna.
7. Jitendra Rai, Son of Late Hira Rai Resident of Mohalla Ranighat, Police Station Sultanganj, District- Patna.
8. Upendra Rai, Son of Late Hira Rai Resident of Mohalla Ranighat, Police Station Sultanganj, District- Patna.
9. Sourav Gyanendra (Minor), Son of Subhash Prasad Yadav Resident of Village Harkhauli, Police Station Mirganj, District- Gopalganj, presently residing at 201 Kautilya Nagar, Raja Bazar, Police Station Hawaii Adda, District- Patna.
10. Subhash Prasad Yadav, Son of Late Shiv Prasad Yadav Resident of Village Harkhauli, Police Station Mirganj, District- Gopalganj, presently residing at 201 Kautilya Nagar, Raja Bazar, Police Station Hawaii Adda, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Shandilya, Adv.
For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 13-07-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for

quashing the order dated 28.07.2022 in BLT Case No. 66 of 2022 for setting aside the order dated 18.11.1991 passed in Mutation Revision Case No. 168 of 1988-89 by the Additional Collector, Patna.

3. Counsel for the petitioner submits that the petitioner has filed BLT Case No. 66 of 2022 for setting aside the order dated 18.11.1991 passed in Mutation Revision Case No. 168 of 1988-89 by the Additional Collector, Patna by which the order dated 23.12.1988 passed in Mutation Appeal No. 48/87-88 / 7/88-89 by the DCLR, Danapur, Patna as well as order dated 16.10.1987 passed in Mutation Case No. 499/86-87 / 6/87-88 had been challenged.

4. Counsel submits that the petitioner has purchased the said land through two registered sale deed dated 07.11.2003 & 21.05.2004. According to him, the said land was mutated in his name and he has been paying the rent and receiving the rent receipts.

5. Counsel also submits that he has constructed boundary wall and a guard room on the land in question. According to him, he was coming in continuous uninterrupted peaceful possession of the said land. He submits that in the year 2021, respondent No. 9 and 10 came on the plot and intimated

that they have purchased the said plot from Ramjee Rai (respondent No.5) on different dates in the year 2018. Counsel submits that the said private respondents had threatened to dispossess the petitioner then, upon inquiry, the petitioner got knowledge of Mutation Revision Case No. 168 of 1988-89 decided on 18.11.1991 that the mutation has been made in favour of the said Ramjee Rai (respondent No. 5). Thereafter, petitioner has preferred the BLT Case. Counsel submits that this suspect has not been considered by the BLT and only on the ground that after lapse of 31 years, the present BLT case has been filed for setting aside the order dated 18.11.1991 passed by Additional Collector in Mutation Revision Case No. 168 of 1988-89.

6. After going through the pleadings, this Court is of the opinion that records of right is not the documents of title. It is true that the said order has been challenged after lapse of 31 years, but if cause of action has arisen and the title is in question due to this document, then petitioner shall be at liberty to move before the competent Civil Court with a view to resolve this dispute permanently.

7. As such, this Court is not inclined to interfere in the order passed by BLT and this Court agreed that the liberty

granted by the BLT to the petitioner to move before the competent Civil Court is correct and hence, this case is hereby dismissed with liberty to the petitioner that he may raise his grievances by way of filing title suit.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.07.2023
Transmission Date	N.A.