

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3512 of 2023

=====

Naresh Rai Son of Late Nanda Rai, Resident of Village- Bairiya, Police Station- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The District Magistrate, Patna, Bihar.
3. The Additional Collector, Patna.
4. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
5. The Circle Officer, Sampatchak, District- Patna.
6. Lakhi Rai, Son of Late Laldhari Rai, Resident of Village- Bairiya, Police Station- Gopalpur, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey
For the Respondent/s : Mr. Birendra Prasad Singh, AC to SC-19

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 25-07-2023

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

2. The present writ petition has been filed for setting aside the order dated 21.10.2022 passed by Member Judicial, Bihar Land Tribunal in B.L.T. Case No. 204 of 2021 by which the order dated 21.01.2021 passed by Additional Collector, Patna in Mutation Revision Case No. 53 of 2015-16 has been set aside without appreciating the fact and law.

3. The further prayer was also made to set aside the order dated 28.08.2012 passed by Circle Officer, Sampatchak,

Patna in Mutation Case No. 253 of 2011-12 as well as to set aside the order dated 28.05.2013 passed by Deputy Collector, Land Reforms, Patna in Mutation Appeal No. 31 of 2012-13 in the interest of justice and hold the order dated 12.01.2021 passed by Addl. Collector, Patna in Mutation Revision Case No. 53 of 2015-16.

4. Learned counsel for the petitioner submits that a legal question involved in the present case that the Circle Officer has found in his letter that the land in dispute is in possession of the petitioner and presently, the land is *parti*. In this background, the order passed by the Addl. Collector, Patna in favour of the petitioner, is absolutely legal and should be sustained.

5. Counsel for the State submits that the petitioner had lost in mutation case in mutation appeal. He has also not won the case in his favour before the Addl. Collector, Patna in revision, as the Addl. Collector, Patna has also not relied on the said observation that he is in a possession later he is remanded back the matter before the Circle Officer but the said order when challenged before the B.L.T., the Land Tribunal has allowed the case and set aside the order passed by the Addl. Collector, Patna.

6. Upon going through the pleadings and argument

of the parties, this Court is of the view that the present dispute is relating to 24 Decimal of land appertaining to Khata No.- 442, Plot No. 1720 and 43 Decimal of land appertaining to Khata No.- 480, Plot No. 1742.

7. The Bihar Land Tribunal after considering the entire case, has reached on the conclusion that the ancestor of private respondents has got this land in dispute by virtue of registered sale deed of the year 1917 and they got rent receipt of the year 1958, 1963 and 1966 issued in the name of the father of the respondent No.6 and after his death, the said rent receipt was granted in favour of the private respondent in 1991, 1996 and 2011. After vesting the Zamindari, the land in question was mutated in the State Serista in the name of father of petitioner, thereafter, the name of the petitioner was mutated. The dispute has arisen for the first time in the year 2012 in which by virtue of draft Khatiyan, the petitioner tried to mutate his name in the land in question and thereafter, the dispute has arisen. The name of petitioner cannot be entered unless *jamabandi* shall be cancelled or annulled and therefore, in view of the Bihar Land Tribunal, the mutation proceeding stands vitiate at the instance of petitioner.

8. The present Court is of the same view as this is a

correct position of law and in this view of the matter, this Court is not ready to interfere in the order dated 21.10.2022 passed by Bihar Land Tribunal, Patna in B.L.T. Case No. 204 of 2021 and hence, this writ petition is hereby rejected.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2023
Transmission Date	NA