

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4666 of 2023

Om Prakash Tiwari Son of Late Tarkeshwar Tiwari, Resident of Vill-
Patsarwa, P.S.- Mohania, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. District Collector, Kaimur (Bhabhua).
3. The Additional Collector, Kaimur (Bhabhua).
4. The L.R.D.C., Mohania, Kaimur (Bhabhua).
5. The Circle Officer, Mohania, Kaimur (Bhabhua).
6. Bijendra Singh Son of Late Tribhuwan Singh, Resident of Village- Gaura, P.S. Mohania.
7. Jitendra Singh Son of Late Tribhuwan Singh, Resident of Village- Gaura, P.S. Mohania.
8. Satyendra Singh Son of Late Tribhuwan Singh, Resident of Village- Gaura, P.S. Mohania.
9. Amarendra Singh Son of Late Tribhuwan Singh, Resident of Village- Gaura, P.S. Mohania, District- Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Upadhyaya, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, (AAG 12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-08-2023 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 30.11.2022 passed in BLT case no.215
of 2022 passed by the Bihar Land Tribunal.

3. Counsel for the petitioner submits that the stand taken by the Bihar Land Tribunal is not the correct view due to the reason that the deed of exchange has not been accepted by the parties and if the deed of exchange not accepted by the parties then in that case the position prior to the alleged deed of exchange should be maintained. This is the principle under the Transfer of Property Act, 1882 [ACT NO. 4 Of 1882].

4. Counsel for the State submits that the deed under challenge is a registered deed of exchange and once the deed of exchange has been registered then there is no question of acceptance or non-acceptance before the Revenue Court. This power is vested in the competent Civil Court to challenge the said registered deed.

5. In this view of the matter, this Court upon of perusal of the records and hearing the parties reached on the conclusion that the deed of exchange which under challenge is basically for registered one and till date it has not been challenge by the petitioner before any competent Civil Court and merely by way of oral submission before the Revenue Authority the petitioner want to disturb the registered sale deed which is not permissible and this aspect has been discussed in the Bihar Land Tribunal's order.

6. This Court has found that there is no illegality in the order passed by the Bihar Land Tribunal, therefore, this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

Ashishsingh/-

U			
---	--	--	--