

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9462 of 2020

1. Azhar Ali @ Ajher Ali, son of Late Abdul Mannan.
2. Yakub Ali son of Azhar Ali.
3. Fatema Khatoon Wife of Azhar Ali.
All resident of Village-Bansar, P.S. K. Nagar (Shahayak P.S.-
Srinagar), District- Purnea.

... .. Petitioners

Versus

1. The State of Bihar through the Principle Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The Additional Collector Purnea, District Purnea.
4. The Deputy Collector Land Reforms Sadar Purnea, District Purnea.
5. The Circle Officer, Srinagar, District Purnea.
6. Madhusudan Thakur, son of Late Shiva Nand Thakur, Resident of Village-Khokha, P.S. K. Nagar (Shahayak P.S. Srinagar) Post-Khakha, District-Purnea.
7. Naresh Kumar Bhuwania, son of Shankar Lal Bhuwania, Resident of Village- Bansar, P.S. K. Nagar, District- Purnea, At present Resident of Champa Bhawan, Rajendra Prasad Road Bhagalpur P.S. Adampur, District-Bhagalpur.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Nadimul Hasan, Advocate
For the State	:	Mr. Lalit Kishore, A.G.
For the Respondent No.6 :		Mr. Niyanand Jha, Advocate
		Mr. Suresh Mishra, Advocate
		Mr. Govind Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 14-09-2022

In this case, the petitioners are challenging the order dated 17.02.2020 passed by the learned Member (Judicial), in B.L.T. Case No. 488 of 2017, by which the B.L.T. Case No. 488 of 2017 filed by the petitioners has been dismissed.



2. The short facts of this case are that Khata no. 1191 is recorded in the name of one Rameshwar Lal Bhubania, Ram Chandra Prasad Bhubania, Gobardhan Lal Bhubania, Bishwanath Lal Bhubania and Shankar Lal Bhubania. All amicably partitioned the disputed land of Khata no.1191. Thereafter, Bishwanath Lal Bhubania transferred his share in favour of his wife Smt. Rama Devi, who got mutated her name. Similarly, Shankar Lal Bhubania also transferred the land of his share to his wife Satyabhama Devi and the said Satyabhama Devi also got mutated her name and obtained rent receipt. The mother of Smt. Satyabhama Devi inducted one Abdul Mannan as *bataidar* of some of the land and after sometime Abdul Mannan filed case under Section 48E of Bihar Tenancy Act on the said *bataidari* land before the learned Deputy Collector Land Reforms, Sadar Purnea. The said *bataidari* case ended in compromise. After compromise in the aforesaid case, the respondent no.7 sold the said land to the petitioners through three different sale deeds. After purchase of the land, the petitioners got information regarding Jamabandi from Circle Officer, Srinagar, Purnea that the said Jamabandi No.2919 is running in the name of Satyabhama Devi. The petitioners filed Mutation Case for change and correction in the name regarding



the land in dispute on the basis of sale deeds. The Circle Officer after considering all the facts and after holding spot verification allowed the aforesaid Mutation Case and granted rent receipt in the name of the petitioners. Being aggrieved with the aforesaid order, the respondent no.6 filed an appeal before Deputy Collector Land Reforms, Sadar Purnea. The Deputy Collector Land Reforms, Sadar, Purnea allowed the appeal vide order dated 08.06.2016. Thereafter, the petitioners filed revision before the Additional Collector, Purnea, who after hearing the parties upheld order passed by the Deputy Collector Land Reforms, Sadar Purnea vide order dated 27.05.2017. Against order passed by the Additional Collector, the petitioners moved before the Bihar Land Tribunal by filing B.L.T. Case No. 488 of 2017. The Tribunal vide impugned order dated 17.02.2020 dismissed the said B.L.T. case. Hence, this petition.

3. In this case, the petitioners have filed a supplementary affidavit bringing on record the possession report in favour of the petitioners as well as the photocopy of the Land Possession Certificate No.824 on the basis of which the petitioners have been granted loan from the bank.

4. Learned counsel for the petitioners submits that in the impugned order dated 17.02.2020 the Member



(Judicial), Bihar Land Tribunal, has not considered the contentions of the petitioners and the B.L.T. case has been dismissed by the Tribunal only on the basis of the sale deed but the other submissions made on behalf of the petitioners have not been considered at all.

5. Learned counsel for the respondent no.6 has supported the impugned order and has submitted that the Tribunal after considering all the materials on record has passed the impugned order dismissing the B.L.T. case filed by the petitioners.

6. The respondent no.7 has also appeared and filed his affidavit. He has opposed the case of respondent no.6 and denied that no power of attorney was executed by respondent no.7 or his brothers and has supported the case of the petitioners.

7. Considered the submissions of the parties. Annexure-1 is the impugned order dated 17.02.2020 passed by the Bihar Land Tribunal. From reading of the order, it appears that the learned Member (Judicial) has noted the case of the petitioners and the respondent nos.6 and 7 but has passed a cryptic order. While dismissed the case, the Tribunal has not discussed the materials brought on record by the parties as well



as the case of the parties. He has simply said that the authorities have passed well reasoned orders and because the sale deed of the petitioners is of the year 2015 whereas the sale deed of respondent nos. 6 is of the year 2007, there is no infirmity in the impugned order. In my opinion, this kind of cryptic order is no order in the eye of law. The findings of the Tribunal must be arrived at after discussing the materials produced by both the parties i.e. the petitioners' case, which has been supported by respondent no.7 and the contesting respondent no.6.

8. In view of the aforesaid facts, this application is allowed and the impugned order dated 17.02.2020 passed by the Member (Judicial), Bihar Land Tribunal, in B.L.T. Case No.488 of 2017 is hereby set aside. The matter is remitted back to the Bihar Land Tribunal for fresh decision in accordance with law after hearing the parties.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	28.09.2022
Uploading Date	14.09.2023
Transmission Date	N/A

