

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6493 of 2023

=====

Suman Kumar @ Jag Priya S/o-Late Jagatpal Prasad Sinha R/o Village-Pachauri, P.o- Pachauri, P.s-Deepnagar, District- Nalanda.At present at Mohalla-Bhaisasur, P.o- Biharsharief, P.s-Laheri, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary , Land Reform and Revenue Department Govt. of Bihar.
2. The Collector, Biharsharief, Nalanda.
3. The Additional Collector, Biharsharief, Nalanda.
4. The Deputy Collector Land Reforms Officer, Biharsharief, Nalanda.
5. The Circle Officer, Biharsharief.
6. Mahesh Prasad, Son of Boudhu Gope Resident of Village-Lakhravo Bighapar, P.- Pachouri, P.S- Deepnagar, District-Nalanda.
7. Krishna Yadav Son of Chhotan Yadav Resident of Village-Lakhravo Bighapar, P.- Pachouri, P.S- Deepnagar, District-Nalanda.
8. Birendra Prasad @ Birendra Yadav Son of Shri Yadav @ Shri Gope Resident of Village-Lakhravo Bighapar, P.- Pachouri, P.S- Deepnagar, District-Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.
For the Respondent/s : Mr. Raj Kishore Roy, (GP-18)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-09-2023

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

2. The present writ application has been filed to quash the order dated 23.09.2022 passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 372 of 2019 by which the order dated 14.01.2019 passed by the Additional Collector, Nalanda in Mutation Revision Case No. 09 of 2016 has been set

aside and the order passed in Mutation Appeal No. 32 of 2015-16 dated 07.04.2016 has been affirmed by the Bihar Land Tribunal, Patna.

3. Learned counsel for the petitioner submits that the order of Bihar Land Tribunal, Patna is bad in law, since the case has been decided without considering the case of the petitioner who was respondent opposite party in the B.L.T. case.

4. After some argument, it transpires to this Court that the present petitioner and the private respondents, who are the vendee of Raja Rajiv Ranjan Prasad, both belongs to common ancestors and the Tribunal has hold that the present petitioner (opposite party in B.L.T. Case) will be at liberty to challenge the genuineness and correctness of sale deeds dated 06.08.1991 vide sale deed nos. 14128 and 14129 executed in favour of the private respondents of the present case before the competent Civil Court and the judgment and decree passed by the Civil Court shall be binding upon all the parties.

5. This Court is of the opinion that there is no illegality in the order passed by the Bihar Land Tribunal, Patna due to the reason that the present petitioner and vendor of the private respondents are coparceners and until and unless, the right title interest among themselves/ question of partitions

followed by genuinity of sale deed shall not be decided among them. The dispute cannot be resolved.

6. In this view of the matter, the present writ application is dismissed without disturbing the observation made by the Tribunal under which liberty was granted to the petitioner to challenge the sale deeds before the competent Civil Court.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2023
Transmission Date	NA