

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12909 of 2015

Bijay Singh Son of Deo Nandan Singh Resident of Village- Mohammadpur,
Police Station -Tekari, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Addl. Collector, Gaya.
3. Deputy Collector, Land Reroms, Tekari, District Gaya.
4. Circle Officer, Tekari, Gaya District Gaya.
5. Deo Mani Devi Wife of Late Bachchu Narayan Singh Resident of Village-
Mohammadpur, Police Station -Tekari, District Gaya.
6. Manika Devi wife of Lalan Singh Resident of Village- Mohammadpur,
Police Station -Tekari, District Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dronacharya, Sr. Adv. Mr. Ram Shankar Kumar, Adv.
For the Respondent No. 6 :		Mr. Ranjan Kumar Adv.
For the State	:	Mr. Raghwanand, GA-11 Mr. Sanjay Kr. Tiwari, (AC to GA-11)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-08-2023

Heard learned senior counsel for the petitioner,
learned counsel the private respondent no. 6 and learned counsel
for the State.

2. The present writ application has been filed for
setting aside the order dated 30.03.2015 passed by the Bihar
Land Tribunal, Patna in B.L.T. Case No. 346 of 2014 by which
the order dated 27.01.2014 passed by the Additional Collector,
Gaya in Mutation Revision No. 212 of 2011-12 was allowed and
the order passed by the D.C.L.R., Tekari (Gaya) in mutation
appeal and mutation case were set aside.

3. Learned senior counsel for the petitioner submits
that the order of the Bihar Land Tribunal, Patna is fit to be set

aside, as the petitioner has purchased the land through sale deed dated 21.05.2009 and thereafter, filed for mutation in his name before the Circle Officer, Tekari (Gaya) and the said Mutation Case No. 162 of 2009-10 was allowed.

4. The D.C.L.R., Tekari, (Gaya) has affirmed the order passed by the Circle Officer, Tekari (Gaya) in Mutation Appeal No. 08 of 2009-10 and in mutation revision, the order was again challenged which was also allowed by the Revisional Court.

5. Learned senior counsel for the petitioner submits that the sale deed executed in favour of the petitioner is not the subject matter of the Title Suit No. 512 of 2008. The Court of Bihar Land Tribunal, Patna has wrongly appreciated the same.

6. Learned counsel for the private respondent submits that the said sale deed by which the petitioner has purchased the land is of 21.05.2009, whereas the Title Suit No. 512 of 2008 is of 30.12.2008. Counsel submits that the lands mentioned in the sale deed is the subject matter of the title suit. Therefore, the doctrine of *lis pendens* is applicable on the said sale deed and the order passed by the Bihar Land Tribunal, Patna is well within the purview of Section 6(12) of the Bihar Mutation Act, 2011, [Bihar Act 23 of 2011] (hereinafter referred to as 'the Act

of 2011’).

7. Upon going through the pleadings and hearing the argument, it is clear to this Court that the registered deed in favour of the petitioner may not be challenged in the title suit but the land which is subject to the registered deed in favour of the petitioner is the subject matter of the title suit and the alleged transfer has been made during pendency of the Title Suit No. 512 of 2008. Hence, the fate of the said registered deed is the result of the Title Suit No. 512 of 2008. Therefore, Section 6(12) of the Act of 2011 is applicable in view of this Court. In this view of the matter, there is no need to interfere in the order passed by the Bihar Land Tribunal, Patna.

8. As such, the present writ application is dismissed with liberty to the petitioner that after disposal of Title Suit No. 512 of 2008 if, the petitioner still aggrieves, he shall be at liberty to raise his grievances before the appropriate forum in accordance with law.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
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