

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17424 of 2021

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Sheoraj Ram, S/o Late Kumar Ram, R/o Village Akhlaspur, P.S. Bhabua,
District - Kaimur, Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector Kaimur at Bhabua.
2. The Additional Collector, Kaimur, Bhabua.
3. The Dy. Collector, Land Reforms, Kaimur, Bhabua.
4. The Anchaladhikari Bhabua, Kaimur at Bhabua.
5. Kanti Devi, W/o Jang Bahadur Singh, Resident of Bhekas, P.O. Akhlaspur,
P.S. Bhabua, District Kaimur, Bhabua.
6. Subhash Ram, S/o Late Kumar Ram, R/o Village Akhlaspur, P.S. Bhabua,
District - Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shashi Bala Verma
For the State	:	Mr. Rishi Raj Sinha (SC-19) Mr. Atul Shankar, AC to SC-19
For Respondent No. 5	:	Mr. Praveen Kumar, Advocate Mr. Uday Pratap Singh, Advocate
For Respondent No. 6	:	Mr. Narendra Kumar, Advocate Mr. Pawan Kumar, Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-02-2023 In the present writ petition, the petitioner has prayed
for following reliefs:-

“That this writ application is being filed for issuance of appropriate writ Rule or Direction to the respondent authorities and for quashing the order of compromise decree and award dated 10.12.2015 and dated 21.04.2016 passed by the Mobile Lok Adalat in Title Suit No. 97 of 2015 filed by the Kanti Devi Vrs. Subhash Ram, by which the learned court has awarded the land in question bearing khata no. 1044, plot no. 4 area 22 acre in favour of Respondent no.5 without issuing the notice



to the petitioner or other co-shares, whereas the said land in question is joint family property.”

2. Learned counsel appearing on behalf of the petitioner submitted that petitioner and respondent no. 6 are own brothers. Their father late Kumar Ram has left behind 22 decimal land appertaining to Khata No. 1044 Khesra No. 4 situated in Akhlaipur, P.S. Bhabua, District Kaimur out of which it has been alleged in the writ petition that respondent no. 5- Kanti Devi has prepared a forged document relating to the sale of entire 22 decimal land, which also include the share of the petitioner and respondent no. 6. The petitioner's further case is that on the basis of a forged petition filed for compromise by said Kanti Devi before the Lok Adalat along with the copy of notarized agreement of sale dated 16.10.2001 obtained an award in her favour. The award having being obtained by forging document is illegal. However, the respondent no. 5 got mutated the said piece of land in her name and once the petitioner filed appeal against the order of mutation before the DCLR, Bhabhua, the appeal was allowed in the favour of the petitioner and respondent no. 6. Then a revision was preferred by respondent no. 5, Revisional Court allowed the relief as prayed for by the respondent no. 5. Then the petitioner approached



against the revisional order passed by the Additional Collector, Kaimur, Bhabhua, thereafter, Sheoraj Ram-petitioner challenged the order passed by the Additional Collector, Kaimur, Bhabhua before the Bihar Land Tribunal, Patna registered as BLT Case No. 177 of 2021. Learned counsel further clarified that such degree has been obtained by misleading the Court that petitioner is not own brother of the respondent no. 6 and as such he is not a biological brother, therefore, he has no right in the property left by late Mr. Kumar Ram. He further made it clear that he further submitted that petitioner is the step brother and, therefore, the petitioner has equal right in the property left by Late Mr. Kumar Ram.

The petitioner counsel inferring to Section 6(12) submitted that the learned Member disposed of the case with an observation that as per the provision of Section 6(12) of the Bihar Land Mutation Act, 2011 mutation of a holding or a part be allowed in cases in which title with regard to holding or a part be pending in the competent Court. In the present case petitioner has Title Suit No. 340 of 2017 which was dismissed for non appearance and thereafter a title appeal no. 41 of 2019 is pending before the Court of learned District Judge, Kaimur, Bhabhua. It is specific statement of the petitioner that the



learned Lok Adalat had no jurisdiction as per the provision of Section 19 and 22(c) to pass any compromise decree which relates to the title.

Learned counsel appearing on behalf of the respondent no. 5 submitted that land in question was purchased on the basis of certain paper duly notarized which he claims to be sale deed and on that basis the respondent no. 6 obtained compromise decree. Agreement duly notarized which was made by late Mr. Kumar Ram father of the petitioner and respondent no. 6 has been brought on record by way of Annexure B to the counter affidavit filed on his behalf. The decree is based on a compromise entered with the brother of the petitioner and respondent no. 6 and 5 and award was prepared in the favour of the respondent no. 5. Thereafter she got the land mutated in her favour and the appellate order was also passed in the favour of the respondent no. 5. The Circle Officer in accordance with law recorded (jamabandi) mutated in the name of the respondent no.-5. The compromise entered between respondent no. 5 as well as respondent no. 6 cannot be interfered into. He further submitted that there was no requirement of petitioner to be party to the compromise, because the petitioner is not biological brother of the respondent no. 6.



Learned counsel appearing on behalf of the State submitted that the award passed in pre-litigation case, in such circumstances the learned Lok Adalat, has erred both on fact as well as law. The compromise deed entered with respect to the land which is disputed without pre-litigation settlement.

Learned counsel appearing on behalf of the respondent no. 6 has supported the petitioner by denying the fact that he was not one of the signatory to the compromise petition filed before the learned Lok Adalat, the award has been obtained by respondent no. 5 by forging the signature of respondent no. 6.

The law is well settled that any award obtained by committing forgery is void and loses its legal force. The notarized agreement of sale brought on record by respondent no. 5 is not registered in accordance with the provision of Indian Registration Act which provides that any document whose value is more than Rs. 500/- is necessarily to be registered. No doubt the notarized paper relating to sale of land by the father of the petitioner can be considered as an evidence. The order passed by the Circle Officer in Mutation Case No. 265 of 2016-17 and which has been affirmed in Mutation Appeal No. 113 of 2016-17 and thereafter, the revision filed against the order in appeal



by the petitioner was dismissed. The petitioner has referred BLT Case No. 177 of 2021 in which the learned Administrative Member has disposed of the said mutation case by observing that in terms of Section 6(2) of Bihar Land Mutation Act, 2011 the mutation of holding of part there shall not be with regard to as pending in the Competent Court so in that view of the matter in the present case the petitioner has preferred Title Suit No. 340 of 2017 which was dismissed in default and thereafter as on date title appeal no. 41 of 2019 is pending before the court of learned District Judge, Kaimur, Bhabhua.

The title suit is pending between the parties who are biological sons of Late Mr. Kumar Ram. The award dated 10.12.2015 and compromise degree dated 10.12.2015 between respondent no. 6 and 5 appears to be forged and fabricated in absence of the petitioner having signed to the said degree who has claimed himself to be biological son of Late Mr. Kumar Ram.

Accordingly, the award dated 24.01.2016 of the mobile Lok Adalat prepared in pre-litigation Case No. 97 of 2015 is hereby quashed.

At this stage, learned counsel for the respondent no. 5 submitted that, the respondent if aggrieved in any manner, he



may be allowed to file application under Order 1 Rule 10 for getting impleaded as party defendant before the Court of learned District Judge, Kaimur, Bhabhua in Title Appeal No. 41 of 2019. It is needless to say that respondent no. 5 has remedy to avail remedy in accordance with law.

The original record relating to pre-litigation Case No. 97 of 2015 is returned back to Mr. Atul Shankar, learned counsel appearing on behalf of the Collector, Bhabhua to be sent back to the Collector, Bhabhua.

With the above observations and directions, accordingly, the present writ petition is allowed.

(Purnendu Singh, J)

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