

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1119 of 2023

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Bengali Yadav Son of Late Mahavir Yadav, Resident of Village- Amarpura
West, P.O.- Doshma, Police Station- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Aurangabad.
3. The Additional Collector, Aurangabad.
4. The Deputy Collector Land Reforms, Aurangabad.
5. The Circle Officer, Deo, Aurangabad.
6. Jag Narain Yadav, Son of Late Mungeshra Yadav, Resident of Village- Amar Bigha, P.O.- Kunda, P.S.- Aurangabda Mufassil, District- Aurangabad.
7. Kameshwar Yadav Son of Munarik Yadav, Resident of Village- Amarpura West, P.O.- Doshma, Police Station - Rafiganj, District- Aurangabad.
8. Deonarain Yadav Son of Munarik Yadav, Resident of Village- Amarpura West, P.O.- Doshma, Police Station - Rafiganj, District- Aurangabad.
9. The Member, Bihar Land Tribunal, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Adv.
	:	Mr. Raghbir Chandrayan, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha, (SC19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-06-2023 Counsel for the petitioner and counsel for the State
are present.

2.The present writ application has been filed for the
following reliefs:

“i. For quashing the order dated 12.12.2017,
passed in Bihar Land Tribunal Case No. 786 of 2017 by

learned Member, Bihar Land Tribunal, whereby the application of the petitioner challenging order dated 18.09.2017, passed in Mutation Revision Case No. 76 of 2015 has been rejected on *non-est* grounds.

ii. For further quashing of order dated 18.09.2017, passed by Additional Collector, Aurangabad in Mutation Revision Case No. 76 of 2015, whereby revision application filed by petitioner has been rejected without giving due consideration to the facts of the case.

iii. For quashing of order dated 16.04.2015, passed by learned Deputy Collector Land Reform, Aurangabad in Mutation Appeal No. 91 of 2014, whereby the appeal filed by respondent no.6 has been allowed and order dated 20.01.2014, passed by Circle Officer, Deo in Mutation Case No. 1815 of Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 has been set-aside on *non-est* grounds.

iv. For any other order/orders for which petitioner is entitled for in the facts and circumstances of the case.”

3. Counsel for the petitioner submits that the vendor of the respondent lost the suit with the petitioner or his ancestors bearing Title Suit no. 172 of 1999/ 113 of 2012, vide order dated 17.05.2013 which acquired finality. On the basis of which name of the petitioner has been executed in the Records of the Right by the Circle Officer.

4. Counsel for the State submits that from the order passed by Deputy Collector Land Reform, Aurangabad, it is very much clear that the respondents were granted this land by

virtue of a sale deed dated 08.05.1987 from his vendor, who was party to the Title Suit No.172 of 1999/113 of 2012. Counsel for the petitioner further submits that from the above statement, it is crystal clear that the right in the said property has been accrued in favour of respondents in 1987 itself. Title Suit has been filed in 1999. The respondents ought to be made party in the said Title Suit, but they were not made party. Hence, they are not bound by the Judgment and Decree passed in Title Suit No. 172 of 1999/113 of 2012. The descendants of the respondents land had come in the possession of property and they got their names inserted in the right of the same land. Subsequently, the said respondents have also filed Title Suit No. 26 of 2014, which is still pending before the Court of competent jurisdiction in the said Title Suit No.26 of 2014. The petitioners are the party defendant in the said suit. According to Section 6 (12) of the Mutation Law, the case of the petitioners was rejected at all three levels i.e. at the level of Deputy Collector Land Reform, before the Collector and then before Bihar Land Tribunal.

5. In the aforesaid background, admitted position is that Title Suit No.172 of 1999 filed by the present applicant for declaration of right, title and interest, as well as, possession by virtue of registered deed of gift dated 19.07.1976 executed by

Sahodari Devi in which the plea raised by Ramdeo Yadav to be adopted son of Sahodari Devi and Fuliya Yadav was negated by learned Subordinate Judge III, Aurangabad vide Judgment dated 17.05.2013. Mr. Thakur further submitted that Deputy Collector Land Reforms, as well as, Additional Collector, Aurangabad have passed order only on the basis that Title Suit bearing No.26 of 2014 filed by contesting opposite party who claims to have purchased land in dispute from Ramdeo Yadav vide sale deed dated 08.05.1987 is pending. This Court finds that there is no illegality in the orders passed by Bihar Land Tribunal, therefore, this Court is not inclined to interfere in the said order.

6. Accordingly, the writ petition is hereby dismissed.

7. Liberty is hereby granted to the petitioner that once Title Suit No. 26 of 2014 shall be decided in his favour then he shall be at liberty to move before the Mutation Authorities and they shall take action in accordance with law.

(Dr. Anshuman, J.)

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