

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5184 of 2018

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1. Vinod Kumar Tiwary @ Vinod Tiwary, Son of Late Bashisth Narayan Tiwary.
 2. Rajeev Ranjan Tiwary @ Rajeev Tiwary, Son of Late Deep Narayan Tiwary.

Both Resident of Village- Sherpur, P.S. Sadar, Anchal Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Cum District Magistrate, Muzaffarpur.
2. The Collector Cum District Magistrate, Muzaffarpur.
3. The Deputy Collector Land Reforms, East, Muzaffarpur.
4. The Circle Officer, Mushahari Block Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate Mr. Ajit Kumar, Advocate, Advocate
For the Respondent/s	:	Mr. Mukul Prasad, AC to GP- 18

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 12-09-2024

Heard Mr. Ajay Kumar Singh, learned Advocate for the petitioners and Mr. Mukul Prasad, learned Advocate for the State.

2. The petitioners by invoking the jurisdiction of this Court seeking a direction upon the respondents, especially respondent no.4 to dispose of the petition filed by the petitioners for mutation of the land in view of the judgment dated 02.02.2016 passed by the learned Additional District Judge-I, Muzaffarpur in Title Appeal No. 14 of 2014, whereby the right,



title and possession of the petitioners has been declared and confirmed.

3. Learned Advocate for the petitioners contended that the petitioners approached before the Circle Officer, Mushahari, Muzaffarpur. However, instead of making mutation of the land in their favour, the Circle Officer sought a guideline from the Deputy Collector Land Reforms and the Deputy Collector Land Reforms, East, Muzaffarpur in response thereto directed to take steps to file Second Appeal before this Court against the judgment and decree passed in Title Appeal No. 14 of 2014.

4. A counter affidavit has been filed on behalf of respondent nos. 2, 3 and 4. From the materials available on record, it appears that the dispute relates to the land appertaining to R.S.P. No. 1278 under R.S. Khata no. 384, area 13.02 decimals situated at village Sherpur, police Station Sdar, Anchal Mushahari, District Muzaffarpur, which is recorded in the name of Government of Bihar as “Gairmajarua Bihar Sarkar”. Being aggrieved, the petitioner had filed Title Suit No. 464 of 2002, which stood dismissed vide judgment and decree dated 06.02.2014 / 19.02.2014.

5. The petitioners on being dissatisfied with the



aforesaid judgment and decree dated 06.02.2014 and 19.02.2014 preferred Title Appeal No. 14 of 2014, which was finally allowed by the learned Additional District Judge-I, Muzaffarpur vide judgment dated 02.02.2016, the copy of which is marked as Annexure-P/1 to the writ petition.

6. The issue was set at rest, once the appeal has been allowed in favour of the petitioners; and the respondent authorities did not question the judgment aforenoted. But surprisingly, when the application has been filed by the petitioners for mutation of the land, the respondent State officials woke up from the slumber and now by filing the counter affidavit, it has been apprised to this Court that the District Magistrate, Muzaffarpur requested to the Secretary, Revenue and Land Reforms Department, Bihar, Patna seeking permission to file Second Appeal before this Court against the judgment and decree in the Title Appeal No. 14 of 2014.

7. This Court deprecate and condemn such practice that once the issue has been brought to the knowledge of the District Magistrate or the authorities concerned, they have decided to re-open the settled matter by questioning the judgment dated 02.02.2016 by filing a Second Appeal.

8. Be that as it may, till date the order passed in



Title Appeal No. 14 of 2014 holds the field good and the order has neither been modified nor set aside. Thus, in such view of the matter, the respondent no.4 is under obligation to ensure mutation in favour of the petitioners in terms of the appellate order, as noted hereinabove.

9. The writ petition stands allowed with a direction to respondent no.4 to ensure the mutation in favour of the petitioners preferably within a period of six weeks from the date of receipt/production of a copy of this order, which shall always be subject to any adverse order passed by any superior Court and/or guided by the changed circumstances.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2024
Transmission Date	NA

