

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2380 of 2024

1. Suresh Kumar Sinha Son of Late Sadashiv Prasad Resident of Village-Mohalla- Lohram Chak, P.S.- Rahui, District- Nalanda. At present residing at Mohalla- Amber, P.S.- Bihar Sharif, District- Nalanda.
2. Om Prakash Son of Suresh Kumar Sinha Resident of Village-Mohalla-Lohram Chak, P.S.- Rahui, District- Nalanda. At present residing at Mohalla- Amber, P.S.- Bihar Sharif, District- Nalanda.
3. Ishan Prakash Son of Suresh Kumar Sinha Resident of Village-Mohalla-Lohram Chak, P.S.- Rahui, District- Nalanda. At present residing at Mohalla- Amber, P.S.- Bihar Sharif, District- Nalanda.
4. Sangita Kumari Daughter of Suresh Kumar Sinha, Wife of Late Abhay Kumar Sinha Resident of Village- Gadanpura, P.S.- Belchi, District- Patna.
5. Swati Kumari Daughter of Suresh Kumar Sinha, Wife of Vijay Kumar Resident of Village- Salepur, P.S.- Ekangar Sarai, District- Nalanda.
6. Rashmi Kumari Daugher of Ram Krishna Prasad Resident of Village-Mohalla- Pesaur, P.S.- Rahui, District- Nalanda, at present residing at Mohalla- Shivji Colony Devi Mandap Road, Near Shiv Shakti School Dumardaga, P.S.- Buti More, Kanke, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate Cum Collector, Nalanda.
4. The Additional District Magistrate cum Additional Collector, In-Charge Revenue, Bihar Sharif, Nalanda.
5. The Sub-Divisional Officer, Bihar Sharif, District- Nalanda.
6. The Deputy Collector, Bihar Sharif, District- Nalanda.
7. The Deputy Collector Land Reforms, Bihar Sharif, Nalanda.
8. The Circle Officer, Bihar Sharif, Nalanda.
9. The Municipal Commissioner, Bihar Sharif Municipal Corporation, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr. Alexander Ashok, Advocate
For the State	:	Mr. Kamlesh Kishore, AC to SC-12.



For the BMC : Mr. Gyan Prakash Ojha, G.A.-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2024 Heard Mr. Devendra Kumar Sinha, learned Senior Counsel duly assisted by Mr. Alexander Ashok, learned counsel for the petitioners and Mr. Kamlesh Kishore, learned AC to SC-12.

2. The present petition has been preferred for quashing of the order dated 25.02.2022 passed in BLT. Case No. 275/2021 by Learned Member (Administrative) Bihar Land Tribunal, Patna, affirming the order dated 11.01.2021 passed by learned Additional Collector, Nalanda in Mutation Revision Case No. 10/2018 whereby vide order dated 06.01.2017 passed by the Deputy Collector Land Reforms, Nalanda in mutation Case No. 23, 24, 25 of 2016-17 allowing mutation in name of petitioners has been set aside.

3. Learned Senior Counsel submits that earlier the vendor of the petitioners, Arvind Kumar Sinha filed petition for mutation before the DCLR, Bihar Sharif in the year, 2011. It was referred to the Circle Officer, Bihar Sharif and on report of the Circle Inspector and Revenue Karamchari which came in his favour, the respondent Circle Officer, Bihar Sharif gave his own report on 30.07.2014 which followed a positive order in favour



of Arvind Kumar on 27.08.2014 by the DCLR, Bihar Sharif (Annexure P/7 to the writ petition). This followed the issuance of rent receipt.

4. Subsequently, the petitioners purchased the land but when they made an application for mutation, the Circle Officer rejected the same on 23.08.2016 (Annexure-P/10 to the writ petition).

5. Aggrieved, an appeal was preferred which came to be allowed by the DCLR, Bihar Sharif on 06.01.2017 (Annexure-P/11 series to the writ petition).

6. However, as the order of the DCLR, Bihar Sharif was not complied, the petitioners moved in CWJC No. 19445 of 2019. It was disposed of on 14.01.2020 while CWJC No. 1586 of 2020 filed by the petitioner no. 4, Rashmi Kumari came to be disposed of on 23.01.2020 taking into account the fact that the matter is pending before the Additional Collector, Nalanda, Bihar Sharif.

7. Learned Senior Counsel submits that subsequently the Mutation Revision Case No. 10/2018 came to be rejected by the Additional Collector, Nalanda, Bihar Sharif on 11.01.2021.

8. Still aggrieved, they preferred BLT Case No. 275 of 2021 before the Bihar Land Tribunal which was dismissed



on 25.02.2022 after incorporating the facts but granted liberty to the petitioners to approach the competent Civil Court to prove their title over the land.

9. Learned Senior Counsel submits that since the concurrent findings of the Additional Collector, Nalanda as also the BLT is/are there, it may affect his case before the competent Civil Court where he intends to file the Title suit.

10. Learned State Counsel defended the orders of the Additional Collector, Nalanda at Bihar Sharif as also the BLT and further submits that when the liberty has been given by the BLT to move before the competent Civil Court, the same will naturally be decided on its own merit.

11. This Court finds force in the submission put forward by the State Counsel. Though order has come against the petitioner by the Additional Collector, Nalanda as also the BLT, once the petitioners moved before the competent Civil Court by filing a title suit, that will be considered by the concerned Court on its own merit after putting all the parties in question to notice without being prejudiced by any observation/findings made herein.

12. As the petitioners themselves intend to file title suit before a competent Civil Court, the concerned Court shall



take into account the aforesaid observation while considering/disposing of the writ petition.

13. The writ petition stands disposed of.

(Rajiv Roy, J)

kiran/-

U			
---	--	--	--

