

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3418 of 2023

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1. Snehlata Rajgarhia @ Sanehlata wife of Late Ajay Kumar Rajgarhia, resident of Mohalla- Lal Bazar Bettiah, P.S. Bettiah Town, District- West Champaran, presently residing at B- 125/126 Central Park G.I.D.C. Pandesara, Surat, District Surat, Gujarat.
 2. Prashant Rajgarhia @ Rajgarhia Prashant, son of Late Ajay Kumar Rajgarhia @ Ajay, resident of Mohalla- Lal Bazar Bettiah, P.S. Bettiah Town, District- West Champaran, presently residing at B- 125/126 Central Park G.I.D.C. Pandesara, Surat, District Surat, Gujarat.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Collector, Bettiah, West Champaran.
3. The Deputy Collector (Land Reforms), Bettiah Sadar, West Champaran.
4. The Circle Officer, Bettiah, West Champaran.
5. Nishant Raj, son of Govind Prasad Rajgarhia, resident of Mohalla Lal Bazar, P.S. Bettiah, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Dwivedi, Sr. Advocate Mr. Ashutosh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Arif Daula Siddiquie, AC to SC-25
For the Res. No. 5	:	Mr. Ganpati Trivedi, Sr. Advocate Mr. Madan Mohan, Advocate Ms. Pallavi Pandey, Advocate Mr. Rahul Raj, Advocate Mr. Ritik Shah, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 25-06-2024 Heard Mr. Shashi Shekhar Dwivedi, learned Senior Counsel for the petitioners duly assisted by Mr. Ashutosh Kumar Pandey and Mr. Ganpati Trivedi, learned Senior Counsel for the respondent no. 5 duly assisted by Mr. Madan Mohan Pandey as also Mr. Arif Daula Siddiquie, learned AC to SC-25.



2. The present writ petition has been preferred for the grant of following relief/s:-

“I. Quashing the order dated 06.01.2022 passed by the Deputy Collector Land Reforms (hereinafter referred to as the D.C.L.R.), Bettiah Sadar; Champaran in Mutation West Appeal No.54/2020-21, whereby the appeal has been dismissed on the ground that the Jamabandi has been opened at his direction passed in Mutation Appeal No.20 of 2007-08, and therefore, the impugned order passed by the Circle Officer, Bettiah cannot be interfered with because the Jamabandi has been created on his direction. While the said earlier order of D.C.L.R. which has been relied has already been set aside by the Revisional Authority on 23.10.2021 i.e. before passing of the impugned order.

II. Quashing the order dated 12.11.2007 passed by the Circle Officer, Bettiah in Mutation Case No.986 of 2007-08 may be directed to be cancelled.

III. Any other relief/reliefs to which the petitioners may be deemed entitled to, may be granted to them.”



Genealogical Table
Jodhai Singh, Rajgarhia

- Saraj Mal Rajgarhia
 - General Prasad Rajgarhia (Adopted Son)
 - Nichan Singh (G.P. No. 1)
- Chand Mal Rajgarhia
- Rache Kishan Rajgarhia
 - Ajay Kumar Rajgarhia (Adopted Son, Wife-Sushila Devi (Pardahdar))
 - Shankh Agrewal
 - Amrik Rajgarhia
 - Pooja Agrewal
 - Prakash Rajgarhia
- Suran Rajgarhia
 - Manjit Rajgarhia
 - Ward Rajgarhia
 - Prasad Rajgarhia (Adopted by Mohar Lal Rajgarhia)
 - Parman Singh (Adopted Son)
- Guler Rajgarhia
- Mohar Lal Rajgarhia
 - Adopted by Saraj Mal Rajgarhia

Other branches and adoptions shown in the original chart include:

- General Prasad Rajgarhia (Adopted by Saraj Mal Rajgarhia)
- Ajay Kumar Rajgarhia (Adopted by Rache Kishan Rajgarhia)
- Amrik Kumar Rajgarhia
- General Prasad Rajgarhia

Khata No.	Plot No.	Area (Bigha-Khata-Dhur)
16	185	0-3-16
	198	0-16-5
	Total	101



though purchase took place in the year 1972, in the revenue records, the names were not transferred and in the meantime, in the year 2005, Ajay Rajgarhia also died leaving behind the two petitioners. The lady made a petition for mutation and the same was allowed by the Circle Officer, Bettiah on 06.01.2006. He submits that immediately thereafter on 26.06.2006, the father of the respondent No. 5 (Govind Rajgarhia) got a power of attorney from one of the agnates, Bimal Prasad Rajgarhia who was son of Gulabchand Rajgarhia to his Manager, Birendra Kumar Shrivastava. He in turn executed a sale deed in favour of the respondent no. 5, the son of Govind Rajgarhia on 14.09.2007.

6. This followed the litigation between the parties inasmuch as respondent no. 5 filed Mutation Appeal No. 20 of 2007-08. It was allowed by the DCLR, Bettiah on 09.10.2007 directing the Circle Officer, Bettiah to mutate the land in favour of the respondent no. 5.

7. Aggrieved, the petitioners preferred Revision No. 67 of 2020-21 which came to be allowed by the Additional Collector, Bettiah, West Champaran, and vide an order dated 23.10.2021, the matter was remanded back to the Appellate Authority.

8. In the meantime, the petitioners also preferred Title Suit No. 68 of 2020 before the learned Sub Judge, Bettiah which



according to learned Senior counsel is presently pending. According to him during the pendency of the Title Suit, the Mutation Appeal No. 54 of 2020-21 has been dismissed by the DCLR, Bettiah on 06.01.2022 on the ground that an order has been passed on his direction. He later dropped the Mutation Appeal No. 20 of 2007-08 on 25.05.2022 after recording that already Title Suit Nos. 68/2020 and 461/2013 are pending before the competent Civil Court (Annexure-9 to the petition).

9. Learned Senior counsel for the petitioners submit that they are ready to take the Title Suits preferred by the petitioners to its logical conclusion. However, the order passed by the revenue authorities in favour of the respondent no. 5 may influence the final outcome in the Title Court. He as such wants the orders to go.

10. Learned Senior counsel appearing on behalf of the respondent no. 5 submits that on the basis of possession, an order is/are being passed, admitted fact is that the Title Suits aforesaid are pending before the learned Sub-Judge-I, Bettiah, West Champaran which they will be pursuing diligently and/are ready to abide by its order. Learned Senior counsel sticks by the documents which are in favour of respondent no. 5 and supports of the orders passed by the Revenue Authorities.



11. Having gone through the facts of the case and the submissions put forward by the learned Senior counsels for the parties as also the State, this Court is of the opinion that since the Civil Suits is/are pending before the competent Civil Court where the parties have already appeared, it would be appropriate that they pursue the matter diligently and take the same to its logical conclusion.

12. The competent Civil Court shall look into the documents, the pleadings put forward by the parties as also the statement of the witnesses to come to an independent conclusion without being influenced by any of the order/orders passed by the Revenue Authorities in favour of either the petitioners and/or the respondent no. 5 so far as the suit land is concerned.

13. With the aforesaid observations, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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