

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10657 of 2024

=====

Sanyukta Devi Wife of Lal Bahadur Singh, Resident of village- Nauhatta Tola Sahidih, P.S. and Anchal -Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue, Land Reforms, Government of Bihar, Patna.
2. The District Collector, Saharsa.
3. The Land Reforms Deputy Collector, Saharsa.
4. The Circle Officer, Nauhatta, District- Saharsa.
5. Baidhnath Singh Son of Late Madhukar Singh Resident of Village- Nauhatta, Tola Sahidih, P.S. and Anchal- Nauhatta, District- Saharsa.
6. Udyanand Singh Son of Late Madhukar Singh Resident of Village- Nauhatta, Tola Sahidih, P.S. and Anchal- Nauhatta, District- Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Respondent/s : Ms. Vijaya Laxmi Srivastava, AC to SC-23

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-07-2024

Heard the parties.

2. The petitioner is aggrieved by the order dated 15.12.2023 passed in B.L.T. Case No. 307 of 2022, whereby the learned Tribunal has dismissed the B.L.T. Case No. 307 of 2022, preferred by the petitioner pursuant to the liberty granted by this Court vide order dated 16.12.2021 in C.W.J.C. No. 13790 of 2005. The petitioner also sought quashing of the order dated 08.08.2015 passed by the District Collector, Saharsa in Mutation Case No. 32/4004-05, whereby the District Collector, Saharsa,



has set aside the order dated 28.06.2004 passed by the D.C.L.R., Saharsa in Mutation Appeal No. 5/2003-04 as well as the order dated 01.10.2001 passed by the Circle Officer, Nauhatta.

3. While assailing the impugned order, learned counsel for the petitioner contended that the learned Tribunal without considering and analyzing the material facts and the law prevalent at that time which govern the field, has passed the impugned order. It is also contended that there are material facts available on record that the petitioner has purchased the land from its rightful owner, who got the land in question in his share as per amicable partition, which was a joint family property. On the basis thereof, the Circle Officer, Nauhatta and D.C.L.R., Saharsa passed the order for mutation in favour of the petitioner but the respondent/Collector Saharsa, ignoring the aforesaid finding has erroneously passed the order dated 08.08.2005.

4. Learned counsel for the State, referring to the order impugned submitted that the petitioner is though claiming herself to be a *bona fide* vendee and her vendor was a co-sharer of the property but no document was shown by the petitioner before the authorities concerned substantiating her claim. In the aforesaid premise, the Additional Collector, Saharsa, has set aside the order passed by the Circle Officer, Nauhatta and



D.C.L.R., Saharsa and directed to restore the Jamabandi, which was running in the name of ancestor of respondents no. 5 and 6. Accordingly, the Jamabandi has been restored in favour of respondents no. 5 and 6. Aggrieved, the petitioner preferred C.W.J.C. No. 13790 of 2005, which came to be disposed of with a liberty to the petitioner to approach before the Bihar Land Tribunal.

5. Heard the parties and perused the materials available on record.

6. It is the admitted fact that the Jamabandi of the disputed land has been running in the name of ancestor of respondents no. 5 and 6 and no valid document was produced by the petitioner in support of her claim that the property was joint and vendor of the petitioner was one of the co-sharer of the property. In the aforesaid premise, the learned Tribunal has affirmed the order passed by the Collector Saharsa in Mutation Revision Case No. 32 of 2004-05.

7. Suffice it to say that while dismissing B.L.T. Case No. 307 of 2022, considering the nature of the dispute, the petitioner was given liberty to file Civil Suit in competent Civil Court for declaration of his right and title over the land in dispute.



8. This Court does not find any reason to interfere in the order passed by the B.L.T. in Case No. 307 of 2022. Accordingly, the writ petition stands dismissed with the liberty aforesaid.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-07-2024
Transmission Date	

