

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10322 of 2023

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Tulsi Sah Son of late Sant Lal Sah, Resident of Village-Mahdevapur, P.S-Sanhoula, District-Bhagalpur, At Present residing at Sanhoula, P.O, P.S and Anchal-Sanhoula, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna
2. The Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
3. The Collector Bhagalpur, District-Bhagalpur.
4. The Addl. Collector, Bhagalpur, District-Bhagalpur.
5. The Land Reforms Depty Collector, Kahalgaon, District-Bhagalpur.
6. The Anchaladhikari, Sanhoula, District-Bhagalpur.
7. Lalti Devi W/o late Dhruv Prasad Gupt Resident of Village-Sanhoula, P.S-Sanhoula, District-Bhagalpur.
8. Chhotelal Gupta S/o late Dhruv Prasad Gupta, Resident of Village-Sanhoula, P.S-Sanhoula, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)
		Mr. Arif Daula Siddiqui, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner, Mr. Sharda Nand Mishra and Mr. Arif Daula Siddiquie, AC to SC-25.

2. The petitioner has prayed for the following reliefs:

(i) for issuance of writ nature of certiorari for quashing the order dated 27.03.2023 passed by Chairman of the Bihar Land



Tribunal, Patna in B.L.T Case No. 131/2022 by which Hon;ble Chairman has been pleased to dismissed the application of the petitioner 2019 and affirmed the order dated 08.11.2009 passed by Addl. Collector, Bhagalpur;

(ii) for further quashing the order dt. 08.11.2019 passed by Addl. Collector, Bhagalpur in Mutation Revision Case No. 113 of 2019-20/136 of 2016-17 by which rejected the appeal and affirm the order dated 25.11.2016 passed in Mutation Appeal Case No.37/2014-15;

(iii) for further quashing the order dated 25.11.2016 passed by LRDC, Kahalgaon in Mutation Appeal Case No.37/2014-15 by which affirmed the order dated 31.10.2013 passed by



*Anchaladhikari, Sanhoula in
Mutation Case No.3920/2013-14;*

*(iv) for further quashing the order
dated 31.10.2013 passed by passed
by Anchaladhikari, Sanhoula in
Mutation Case No. 3920/2013-14;*

*(v) for further issued direction to
respondent Anchaladhikari,
Sanhoula for considering the case
of the petitioner for opening
Jamabandi as per
Judgment/Decree dt. 14.11.2011
passed in Title Suit no. 106 of
2002;*

*(vi) for further give other legal
consequential benefit to the
petitioner.*

3. Learned counsel for the petitionr submits that though the Title Court decided in his favour, a rider was incorporated that *no constructive possession or recovery of possession over the suit holding can be granted to the petitioner* and they are not entitled to get any other relief or reliefs except



granted hence, the suit partially decreed. He submits that though the said observation was made, the Court held that the plaintiff have right and title over the said land. In that background, when he tried to get the land mutated, the same was rejected.

4. The matter finally travelled to the Bihar Land Tribunal in BLT Case No. 131 of 2022 and the concerned Court on 27.7.2023 negated the claim though in para-9 it held as follows:

"9. The petitioner is given liberty to challenge the judgment and decree passed in Title Suit No. 106 of 2001 by filing appeal before competent Civil Court. The Civil Court shall consider the point of limitation in appeal in accordance with law because the petitioner was availing the remedy before this Tribunal as well as other revenue authorities".

5. He as such submits that despite getting an order by the Title Court, he is not having the suit. Further submission is that in the light of the BLT order, he shall be approaching the



concerned Court by filing appeal against the observation made in the Title Suit No. 106 of 2021 in the light of BLT order.

6. Granting said liberty, the writ petition stands disposed of. The concerned Court shall consider the observation made by the BLT in para-9 of the order in view of the fact later the petitioner moved before this Court where the writ petition was pending.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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