

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10285 of 2024

Sanjay Kumar Pandey Son of Ramendra Prasad Pandey Resident of Village-Kharinda, P.S.-Belaon, District-Kaimur at Bhabua. At Present Resident of Vinayaka Colony Kamachha, Chhitupur, Varanasi, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-Cum-District Collector, District -Kaimur at Bhabua.
2. The Additional Collector, Kaimur (Bhabua)
3. The Land Reforms Deputy Collector, Bhabua, District-Kaimur (Bhabua).
4. The Circle Officer, Rampur, District-Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate
For the Respondent/s : Mrs. Puspanjali Sharma, AC to SC- 20

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT

Date : 09-07-2024

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner has filed the present writ application for setting aside the order dated 28-05-2024 passed by the learned Member, Judicial, Bihar Land Tribunal in B.L.T. Case No. 31 of 2024, whereby and whereunder, the learned Member has dismissed the petition of the petitioner illegally, mechanically and without going through the records. Further, the petitioner seeks quashing of the order dated 16-11-2023 passed by the Additional Collector, Kaimur (Bhabua) in Mutation Revision Case No. 46/2021-22, whereby and



whereunder, the learned Additional Collector has been pleased to affirm the order passed by the learned L.R.D.C., Bhabhua, Kaimur dated 03-03-2024 in Mutation Appeal No.48/2020-21 as well as order dated 24-09-2020 passed in Mutation Case No. 174/2020-21 passed against the petitioner by the Circle Officer, Rampur.

3. Learned counsel for the State submits that the learned Member, Bihar Land Tribunal vide order dated 28-05-2024, passed in BLT Case No. 31 of 2024, has dismissed the application in view of Section 6(12) of Mutation Act, as there was Title Suit pending since 2019 in between the parties over the same subject matter.

4. In reply, learned counsel for the petitioner submits that the Title Suit bearing Title Suit No. 996 of 2019 has already been dismissed as withdrawn on 30-06-2022 and, hence, there is no title suit pending with respect to the lands, in question, but the authority has not paid any heed and has dismissed the case of the petitioner.

5. In view of the submissions canvassed by learned counsel for the petitioner and after going through the materials available on record, it is apparent that authority has ignored the fact that title suit has already been withdrawn by the petitioner



on 30-06-2022. Accordingly, the order dated 28-05-2024 passed in BLT Case No. 31 of 2024 by the Additional Collector Kaimur (Bhabua) is hereby quashed. The order dated 16-11-2023 passed by the Additional Collector, Kaimur (Bhabua) in Mutation Revision Case No. 46/2021-22 is also quashed.

6. As a result of quashing of the impugned orders, petitioner shall approach the BLT and will file a fresh representation along with copy of this order and the BLT shall pass a reasoned and speaking order in accordance with law after affording opportunity of hearing to parties concerned within a period of six weeks from the date of filing of representation.

7. With the aforesaid observation and direction, this writ application is disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15-07-2024
Transmission Date	N/A

