

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2700 of 2021

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Mahant Mahadeo Puri @ Mahadeo Giri, Son of Late Parsuram Puri, Resident of Village-Marpa Rajpur Kaul, P.S.-Fenhara, District-East Champaran, at present resident of Village-Sah Pur, P.S. and Anchal-Sheohar, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Sheohar.
3. The Deputy Collector, Land Reforms, Sheohar.
4. The Circle Officer, Sheohar Anchal, Sheohar.
5. Sri Birendra Giri, Son of Late Bidyanand Puri, Resident of Village-Marpa Rajpur Kaul, P.s.-Fenhara, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr .Sanjan Kumar Sharan, Advocate Mr. Rajesh Mohan, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to SC-19
For the Respondent No. 5:		Mr. Subodh Chandra Jha, Advocate Mr. Suman Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 23-04-2024 In the order dated 15.03.2024 in paragraph-3 it has been incorporated as the order of the DLT, the same be read as BLT.

2. This order be read in continuation of the order dated 15.03.2024 and 08.04.2024.

3. Heard the parties.

4. The present petition has been preferred for the following relief/s:-

“to quash the impugned order dated



05.09.2018 passed by the Hon'ble Bihar Land Tribunal, Patna which affirming the order dated 20.12.2012 passed by the learned Collector, Sheohar in Mutation Revision Case no. 7 of 2011 whereby and whereunder the learned Collector, Sheohar was pleased to dismissed the revision application and affirmed the order dated 30.12.2006 passed by the Deputy Collector, Land Reforms, Sheohar in Mutation Appeal no. 04 of 2006-07, who pleased to allow the Mutation Appeal no. 04/2006-07 by setting aside the order dated 08.02.2006 passed by the Circle Officer, Sheohar in Mutation Case no. 1798 of 2005-06 by which the Mutation Case of the petitioner was allowed and for issuance of further direction/directions commanding the concerned respondents to issue rent receipts in favour of the petitioner in affirmation of the order dated 08.02.2006 passed by the Circle Officer, Sheohar after due inquiry and for any other relief/reliefs



*for which the petitioner entitled in the facts
and circumstances of the case.”*

5. Learned counsel for the petitioner submits that Title Suit No. 230 of 2004 was filed by the respondent No. 5, Mr. Birendra Giri, which came to be dismissed for non-prosecution on 03.08.2010 (Annexure- 9 to the petition). He submits that for next 14 years, the same has not been restored and/or no effort has been taken in the said matter.

6. It is the case of the petitioner that a Mutation Case No. 1798 of 2005-06 was preferred which was allowed on 08.02.2006 and his name was mutated. However, despite dismissal of Title Suit, the Mutation Appeal No. 4 of 2006-07 preferred by the other side before the DCLR, Sheohar was allowed forcing the petitioner to prefer Mutation Case No. 07 of 2011 which however, came to be dismissed by the Collector, Sheohar on 20.12.2012. He further submits that the day (05.09.2018) the matter was taken up before the Bihar Land Tribunal (henceforth for short ‘the BLT’) the Title Suit No. 230 of 2004 stand dismissed.

7. However, ignoring the same, ‘the BLT’ gave its own reasoning to negate the petition forcing him to prefer the writ petition.



8. Counter-affidavit and supplementary counter-affidavits have been filed on behalf of the respondents and the last supplementary counter-affidavit of the District Magistrate, Sheohar duly put on affidavit by the Circle Officer, Sheohar is on record and paragraph-5 read as follows:

“5. The Title Suit No. 230/2004 has been dismissed in default vide order dated 03.08.2010 by sub-judge-1 Sitamarhi. This said fact has not been given before D.M. Sheohar during hearing of the above said revision. The order has been passed by the D.M. is correct.”

9. Taking into account the aforesaid facts, this Court is of the view that dismissal of the Title Suit No. 230 of 2004 which was never restored and/or the private respondent never took any step to pursue the matter, ‘the BLT’ clearly erred in passing the order in question despite taking note of the fact that the Title Suit of the respondent has been dismissed.

10. In that view of the matter, the order dated 05.09.2018 passed by the BLT in case No. 21 of 2016 is set aside. The matter is remanded back to ‘the Tribunal’ where after hearing the parties and taking into account all the facts of the



case/documents, it shall pass fresh order preferably within a period of six months.

11. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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