

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12281 of 2024

1. Bijendra Kumar Paswan Son of Hari Paswan and Late Kumari Devi @ Nain Kumari Devi @ Naina Devi, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village and P.O.- Mahuari, P.S. Sonahan, District- Kaimur (Bhabua).
2. Kusum Devi, Daughter of Hari Paswan and Late Kumari Devi @ Nain Kumari Devi @ Naina Devi, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village and P.O.- Mahuari, P.S. Sonahan, District- Kaimur (Bhabua).
3. Parvati Devi @ Parwari Devi, Wife of Santan Paswan, D/o- Ujagir Paswan, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village- Nandusiyara, P.S. Chenari, District- Rohtas (Sasaram).
4. Shoshila Devi, Wife of Gandhi Paswan, D/o- Ujagir Paswan, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village- Baraw, P.S. Sabar, District- Kaimur (Bhabua).
5. Manmawata Kumari, D/o Late Shoshila Devi and Gandhi Paswan, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village- Baraw, P.S. Sabar, District- Kaimur (Bhabua).
6. Sanjay Paswan, son of Late Sumitra Devi and Shivparsan Paswan, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village- Baraw, P.S. Sabar, District- Kaimur (Bhabua).
7. Narad Paswan, son of Late Sumitra Devi and Shivparsan Paswan, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village- Baraw, P.S. Sabar, District- Kaimur (Bhabua).
8. Puja Kumari, daughter of Late Sumitra Devi and Shivparsan Paswan, Resident of Village- Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur (Bhabua). At present Residing at Village- Baraw, P.S. Sabar, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Department, Bihar, Patna.
2. The Collector, Kaimur at Bhabua.
3. The Deputy Collector Land Reforms, Bhabua, District- Kaimur at Bhabua.
4. The Circle Officer, Bhagwanpur, District- Kaimur at Bhabua.
5. Ram Nagina Paswan, Son of Late Ramkrit Paswan, Resident of Village- Jaitpur Kala, P.S.- Bhagwanpur, District- Kaimur (Bhabua).

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate
For the Respondent/s : Mr. Krityanand Jha, Government Pleader (11)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2024 Heard Mr. Ashok Kumar Garg, learned Advocate for the petitioners and Mr. Krityanand Jha, learned Advocate for the State.

2. The petitioners are aggrieved by the order dated 01.03.2024 passed by the learned Member (Administrative) Bihar Land Tribunal in BLT Case No.134 of 2022 whereby the learned Bihar Land Tribunal has affirmed the order dated 04.09.2019 passed in Mutation Revision Case No.22 of 2018 passed by the learned Collector, Kaimur whereby he has dismissed the Mutation Revision filed by the petitioners by which learned Collector has affirmed the order dated 16.09.2017 passed by the learned Deputy Collector, Land Reforms, Bhabhua, District-Kaimur in Mutation Appeal No.18 of 2011.

3. The petitioners are also aggrieved by the order passed by the learned Deputy Collector, Land Reforms, Bhabhua who dismissed the Mutation Appeal filed by the petitioners and affirmed the order dated 10.03.1998 passed by the Circle Officer, Bhagwanpur.

4. Learned Advocate for the petitioners contended that



while passing the order dated 01.03.2024, the learned Bihar Land Tribunal has failed to consider that the respondent No.5 has neither filed any counter affidavit nor produced any chit of paper before any of the authorities regarding his claim and only on the basis of oral submission all the Revenue courts as well as Bihar Land Tribunal has allowed the case of the private respondent and ignored the claim of the petitioners. It is further contended that with respect to the land in question the mother of the petitioner No.1 and 2 have also filed Title Suit No.353 of 2010 and the same is still pending before the Sub-Judge, 1st Kaimur.

5. Having heard the parties and after perusal of the order passed by the Bihar Land Tribunal, this Court finds that the issue involves determination of right title and interest of the parties which demands elaborate examination of evidences and the same can only be done by the civil court of competent jurisdiction; while exercising the writ jurisdiction under Article 226 of the Constitution, the High Court does not enter upon the issue involving disputed question of facts; the parties have rightly been given liberty to approach before the civil court of competent jurisdiction to get a decision on the question of succession and title as per the provision of law. It is also



observed that the mutation is made only for fiscal purpose and does not create any right, title and interest over the land in question.

6. In view thereof, the writ petition stands disposed off with the liberty aforesaid.

(Harish Kumar, J)

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