

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1063 of 2019

In
Civil Writ Jurisdiction Case No.15038 of 2019

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Sant Lal Pandit Son of Sheo Baran Pandit Resident of Village- Nadipar
Hasanpura, P.S. Beur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary of Land Reform.
2. The Bihar Land Tribunal, Patna.
3. The Additional Collector, Patna Sadar, Patna.
4. The Land Reforms Deputy Collector, Patna Sadar, Patna.
5. The Circle Officer, Phulwarisharif Block, Patna.
6. Jay Narayan @ Jay Narayan Rai Son of Late Nawal Kishore Rai Resident of
Village- Nadipur, Hasanpura, P.S. Beur, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

4 05-10-2024 No one appears for the appellant. Learned counsel
for the respondents-State of Bihar is present.

2. The instant appeal has been preferred against the
order dated 25.7.2019 whereby the learned Single Judge was
pleased to dismiss the writ application (CWJC no.15038 of
2019) preferred by the appellant.

3. The land in dispute in the instant case is an area of
9 decimals appertaining to Khata no.9 and Plot no.514 situated
in Mauja Sain Chak, Beur under Block Phulwarisharif in the



district of Patna. The case in brief is that on the death of his maternal uncle, the appellant filed Mutation Case no.1583/4 of 2008-09 before the Circle Officer, Phulwarisharif which was allowed by order dated 22.9.2009. The appeal (Mutation Appeal no.22 of 2015-16) preferred by the respondent no.6 was dismissed by the Deputy Collector Land Reforms, Patna Sadar, Patna on 20.4.2016. The respondent no.6 filed Mutation Revision Case no.5 of 2016-17 before the learned Additional Collector, Patna who allowed the revision petition by his order dated 17.2.2017. The appeal ie B.L.T. Case no.315 of 2017 preferred by the appellant against the revisional order was dismissed by the Chairman, Bihar Land Tribunal on 16.4.2018. It is against this order that the appellant preferred CWJC no.15038 of 2019 which was dismissed by order dated 25.7.2019, impugned herein.

4. No one appeared on behalf of the appellant on the case being called out and the same was kept aside for hearing. Once again on the case being taken up for hearing, no one appeared on behalf of the appellant.

5. The appeal is opposed by learned counsel appearing for the State of Bihar.

6. Having heard learned counsel for the State of Bihar



and having perused the materials on record, it transpires that the appellant has based his claim for mutation on the basis of the title acquired by him over part of the land in question by way of succession from his maternal uncle. It is the case of the appellant that his maternal uncle received the land in *Bhoodan* ie by way of donation in the year 1947. The Revisional Authority taking into consideration that the Bihar Bhoodan Yagya Committee Act came into force in the year 1954, did not accept the contention of the appellant of his maternal uncle having received the land in question by way of *Bhoodan* in the year 1947. Consequently, the Revisional Authority as also the Tribunal not finding any merits in the case of the appellant, rejected the same.

7. This Court finds no illegality in the order impugned and no merit in the instant appeal.

8. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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