

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19052 of 2018**

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1. Birendra Prasad
  2. Nitesh Bihari Verma,
  3. Kanchan Bihari Prasad @ Kanchan Bihari Verma, All are Son of Late Laxman Prasad, Resident of Village- Hulesra, P.O.- Hulesra, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate-cum-Collector, District- Siwan.
4. The Additional Collector, Siwan.
5. The Land Reform Deputy Collector, Maharajganj, Siwan. null null
6. The Circle Officer, Bhagwanpur Hat, District- Siwan.
7. Sri Raj Kishore Prasad, Son of Resident of Village- Piprahiya, P.S. and Block- Bhagwanpur Hat, District- Siwan.
8. Jagdish Prasad, Son of Late Shivpujan Prasad, Resident of Village- Hulesra, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ranjeet Kumar, Advocate    |
|                      | : | Ms. Lakshmi Kumari, Advocate   |
| For the State        | : | Mrs. Nutan Sahay, AC to AAG-12 |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      23-09-2025                      Heard Ms. Lakshmi Kumari, learned counsel for the  
petitioner and Mrs. Nutan Sahay, learned AC to AAG-12.

2. The present petition has been preferred for the  
grant of following relief(s):

*“(i) for setting aside the Order dated*

*21.04.2017 passed by Learned Bihar Land*

*Dispute Tribunal, Patna in BLT Case No. 1169*



*of 2015, whereby the case has been allowed and the order passed by the Additional Collector, Siwan in Mutation Revision Case No. 3 of 2014-15, has been set aside and the order of Mutation dated 08.10.2012 passed passed by Circle Officer, Bhagwanpur, Hat, in Mutation Case No. 1440 of 2012-13 has been affirmed.*

*(ii) for any other relief for which the petitioner may be deemed entitled to.”*

3. Learned State counsel took this Court to the order passed by the Bihar Land Tribunal to show that the respondent no.7 and 8 on the basis of their possession wanted mutation of the land and have been convinced that they are in possession, the mutation order was passed.

4. The petitioners preferred petition before the Deputy Collector Land Reforms, Maharajganj, Siwan who endorsed the decision taken by the Circle Officer, Bhagwanpur Hat, Siwan. However, the Additional Collector overturned both the orders and in that background, the B.L.T. intervened and recorded that the Title Suit pending before appropriate court be pursued.

5. Paragraph no.17 of the writ petition shows that a **Title Suit No. 98 of 2016** is pending before a competent civil



court between the parties. The apprehension of the petitioners is/are that the mutation order may prejudice their cause.

6. The said apprehension has got no meaning. The Title Suit has to be decided on the basis of evidences adduced/documents provided before the court and the mutation order is/are simply realization of the rent by the Revenue Authorities, in this case, from the respondents.

7. A Title Suit is pending, the parties are there, contesting it, in that circumstance, it would be appropriate that the same is taken to its logical conclusion on the basis of the evidences/materials that are available on it without being prejudiced by different forum/court.

8. The writ petition stands disposed of with the aforesaid observation.

**(Rajiv Roy, J)**

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