

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14616 of 2018

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Pawan Kumar Tiwary Son of Brij Bihar Tiwari Resident of Village Sunderpur
Barja, Police Station - Biha, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Revenue and Land Reforms.
2. The Bihar Land Tribunal, Bihar Patna through Chairman.
3. District Collector, Bhojpur, Ara.
4. The D.C.L.R. Ara, Bhojpur.
5. The Circle Officer, Ara Bhojpur.
- 6.1. Smt. Jayanti Devi Wife of Late Lakshman Upadhyay Resident of Village - Sundarpur Barja, P.O. - Barja, P.S. - Bihiya, District- Bhojpur (Bihar).
- 6.2. Udaibhan Upadhyay Son of Late Lakshman Upadhyay Resident of Village - Sundarpur Barja, P.O. - Barja, P.S. - Bihiya, District- Bhojpur (Bihar).
- 6.3. Parshuram Upadhyay Son of Late Lakshman Upadhyay, Resident of Village - Sundarpur Barja, P.O. - Barja, P.S. - Bihiya, District- Bhojpur (Bihar).
- 6.4. Ganesh Upadhyay Son of Late Lakshman Upadhyay, Resident of Village - Sundarpur Barja, P.O. - Barja, P.S. - Bihiya, District- Bhojpur (Bihar).
- 6.5. Ghanshyam Upadhyay Son of Late Lakshman Upadhyay, Resident of Village - Sundarpur Barja, P.O. - Barja, P.S. - Bihiya, District- Bhojpur (Bihar).
- 6.6. Bijay Lakshmi Devi D/o Late Lakshman Upadhyay and Wife of Jiya Lal Chaubey, Resident of Village - Tulsi Harigaon, P.O. - Harigaon, P.S. - Dulhinganj, District- Bhojpur (Bihar).
- 6.7. Munni Devi D/o Late Lakshman Upadhyay and Wife of Jiya Lal Chaubey, Resident of Village - Tulsi Harigaon, P.O. - Harigaon, P.S. - Dulhinganj, District- Bhojpur (Bihar).
- 6.8. Rinku Devi D/o Late Lakshman Upadhyay and Wife of Ashok Mishra, Resident of Village - Nargada, P.O. - Belauti, P.S. - Shahpur, District- Bhojpur (Bihar).
- 6.9. Sandhya Devi D/o Late Lakshman Upadhyay and Wife of Santosh Ojha, Resident of Village - Karja, P.O. - Umraonganj, P.S. - Bihiya, District- Bhojpur (Bihar).
- 6.10. Baby Devi D/o Late Lakshman Upadhyay and Wife of Biraj Tiwari, Resident of Village - Damodarpur, P.O. - Damodarpur, P.S. - Shahpur, District - Bhojpur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Upadhyay, Advocate
For the Respondent/s	:	Mr. S.C.Yadav, GP-15



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 14-07-2025

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

2. The present writ petition has been filed to challenge/set aside the order dated 22.05.2018 passed in B.L.T. Case No. 675 of 2016, by which the order passed by the Additional Collector, Ara, dated 16.06.2016 has been set aside, and the orders passed by the Circle Officer, Ara, as well as the D.C.L.R., Ara, have been approved.

3. Learned counsel for the petitioner submits that the petitioner is fully agreed that the final order passed in Title Suit No. 106 of 1994 shall be binding on all parties. However, at the same time, he submits that the Title Suit has been pending since 1994, and this fact has been completely ignored by the Bihar Land Tribunal, that the order of mutation was passed during the pendency of the Title Suit, in violation of Section 6(12) of the Bihar Land Mutation Act, 2011.

4. Learned counsel for the State submits that, from the facts, it transpires that the said mutation order was passed during the pendency of the Title Suit.

5. It transpires to this Court that, on the other hand,



the Bihar Land Tribunal has held that the final verdict of the competent Court shall be binding on all concerned.

6. In this view of the matter, this Court hereby directs that since the dispute involves both gift and adoption, the Bihar Land Tribunal has rightly held that the order passed in Title Suit No. 106 of 1994 shall be binding on all concerned. However, it is admitted that the order passed by the Circle Officer was made in the year 2004–05, whereas the Title Suit has been pending since 1994. Therefore, it is clear in law that the mutation order was passed during the pendency of the Title Suit. As such, the said order passed by the Circle Officer, as confirmed by the D.C.L.R. in Mutation Case No. 1517 of 2004–05 and Mutation Appeal No. 48 of 2006–07, shall be kept in abeyance, and no party shall take benefit of the said order till the final disposal of Title Suit No. 106 of 1994.

7. Accordingly, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	16.07.2025
Transmission Date	NA

