

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22848 of 2018

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Smt. Pratibha Kumari wife of Late Chandrika Prasad, Resident of Village/
Mohalla-Lodi Katra, P.O-Patna City, P.S.-Khajekala, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate cum Collector, Patna
3. The Additional Collector, Patna
4. The Deputy Collector Land Reforms, Patna Sadar, Patna
5. The Circle Officer, Phulwarisharif, Patna
6. Satish kumar son of Late Chandrika Prasad, . resident of Village-Hasanpura,
Sibana Nathupur, P.O.-Anishbad, P.S.-Beur, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Shashi Priya Pathak, Advocate
		Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam- AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-11-2025 Heard the parties.

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

*“Issuance of an order, direction or writ in
the nature of certiorari to quash the order dated
26.07.2018 passed in BLT Case No. 80 of 2017
whereby and whereunder the Hon'ble Chairman
without setting aside of orders impugned dated
23.09.2016, 27.11.2013 and 25.11.2010 whereby
mutation of land in question in favour of the
respondent no. 6 has been affirmed by the*



authorities, disposed of the BLT Case No. 80/17 with observation that "the rival claim of the parties for mutation over the land in question shall be determined in accordance the final judgment and decree in the pending partition in suit".

II. Any other relief or reliefs to which the petitioner my found entitled to in the facts and circumstances of this case."

3. The matter relates to plot no. 535, khata no. 49, thana no. 109 in Nathupur under Phulwari Sharif, Patna (1 Katha 15 dhoor). Both the petitioner as also the respondent no. 6 have taken the battle up to Bihar Land Tribunal, Patna (for brevity 'the Tribunal') in BLT Case No. 80 of 2017 (Pratibha Kumari vs. The State of Bihar & Ors.). It was disposed of by the Chairman of 'the Tribunal' on 26.07.2018 after taking note of the fact that Title Partition Suit No. 325 of 2015 has been preferred by the petitioner in which the respondent no. 6 has been impleaded as defendant.

4. The Court recorded that during the pendency of the Title Suit between the parties, for the same land in question, it is not proper to proceed further.

5. Aggrieved, the present petition.

6. 'The Tribunal' took just and proper stand that when for the same piece of land, both the parties are agitating the matter



before a competent Civil Court, the petitioner herself has preferred the aforesaid partition suit and the respondent no. 6 is defendant in the case, 'the Tribunal' could not have continued parallel proceeding.

7. Instead of putting her energy in the Title Partition Suit No. 325 of 2015, the petitioner preferred the present petition challenging the said order.

8. A counter-affidavit of the respondents has been filed duly signed by the Circle Officer, Phulwari Sharif, Patna which also talks about the pendency of the aforesaid Title Suit.

9. Both learned counsel for the petitioner as also the respondent no. 6 submit that the copy of the said affidavit has not been handed over to them. Even in the Court's file, the said affidavit is not on record.

10. The Court do not want to add further statement on the said status of the office of the concerned Law Officer as earlier too, lots of pages have been wasted on this non-supply of copies.

11. Learned counsel for the respondent no. 6 has provided the order sheet to show that due to non-appearance of the petitioner before the Title Partition Suit No. 325 of 2015, it stood dismissed on 11.09.2017.

12. The document/certified copy of the order shows that it has been procured by the respondent no. 6 on 20.04.2024 which



supports the case of the respondent no. 6 that to his knowledge, the same has not been restored.

13. This Court is of the opinion that if the Title Partition Suit No. 325 of 2015 stands dismissed, nothing remains. Alternatively, if the petitioner has taken steps and/or intends to take steps for the restoration of Title Partition Suit No. 325 of 2015, again, it would be proper for her to agitate the matter before the said Court, if the same is restored. In case, the same is not restored, the petitioner has the option to move ahead against the said order.

14. So far as the writ petition is concerned, in view of the aforesaid facts, this Court is also of the same opinion what was averred by 'the Tribunal' way back in the year 2018.

15. No case of interference is made out.

16. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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