

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4532 of 2025

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Gopal Singh S/o Late Vishwanath Singh, Resident of Village- Derwan, P.S.-
Kudra, Dist.- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through Collector cum District Magistrate Kaimur.
2. The Collector, Kaimur (Bhabhua).
3. The Additional Collector, Kaimur (Bhabhua).
4. The Deputy Collector Land Reforms, Mohaniya.
5. The Circle Officer, Kudra, District- Kaimur (Bhabhua).
6. Thakur Prasad Singh Son of Late Ramjet Singh, R/o Village and PO-
Derwan, P.S.- Kudra, Dist.- Kaimur (Bhabhua).
7. Anuj Kumar Singh Son of Thakur Prasad Singh, R/o Village and PO-
Derwan, P.S.- Kudra, Dist.- Kaimur (Bhabhua).
8. Sandeep Kumar Singh Son of Thakur Prasad Singh, R/o Village and PO-
Derwan, P.S.- Kudra, Dist.- Kaimur (Bhabhua).
9. Nirbhay Kumar Singh son of Thakur Prasad Singh, R/o Village and PO-
Derwan, P.S.- Kudra, Dist.- Kaimur (Bhabhua).
10. Most. Lalmuni Kunwar Wife of Late Saheb Singh, Resident of Village and
PO- Derwan, P.S.- Kudra, District- Kaimur (Bhabhua).
11. Satendra Singh Son of Late Raj Narayan Singh, Resident of Village and PO-
Derwan, P.S.- Kudra, District- Kaimur (Bhabhua).
12. Rajesh Kumar Singh Son of late Raj Narayan Singh, Resident of Village and
PO- Derwan, P.S.- Kudra, District- Kaimur (Bhabhua).
13. Sunil Kumar Singh Son of Late Raj Narayan Singh, Resident of Village and
PO- Derwan, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey
For the Respondent/s : Mr. G.P. Ojha-Government Advocate (07)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-04-2025 1. Heard learned counsel for the petitioner and

learned GA-7 for the State.
2. The learned counsel appearing on behalf of the

petitioner submits that petitioner purchased land appertaining to



Khata No.09, Plot No.724, 352, 726 and 358, area 2.37 acres, Mauza- Derwan, Thana No.652, P. S.-Kudra, District- Kaimur vide registered sale deed 5528 dated 12.11.2013 (Annexure-P/1) after paying consideration amount of Rs.11,85,000/- to his vendors namely, Lalmuni Kunwar, Satendra Kumar Singh, Rajesh Singh and Sunil Kumar Singh.

3. It is next submitted that after purchasing the land the same was mutated by an order dated 07.02.2014 (Annexure-P/2 series) vide Mutation Case No.2208 of 2013-14 passed by the Circle Officer, Kudra. The respondents 2nd set herein filed Mutation Appeal No.162/2013-14 before the DCLR, Mohania against the order dated 07.02.2014 passed by the Circle Officer in Mutation Case No.2208 of 2013-14. The Mutation Appeal was allowed by the DCLR by an order dated 08.10.2014.

4. The petitioner filed Mutation Revision Case No.63 of 2014-15 against the order dated 08.10.2014 in Mutation Appeal No.162/2013-14 before the A.D.M., Kaimur, Bhabhua. The Mutation Revision Case No.63/2014-15 was allowed by an order dated 17.11.2017 (Annexure-P/5) passed by the A.D.M. The respondent 2nd set filed BLT Case No.260 of 2018 for setting aside the order dated 17.11.2017 in Mutation Revision Case No.63/2014-15 passed by the A.D.M.



5. The learned Member heard BLT Case No.260 of 2018 analogous with other cases and set aside the order dated 17.11.2017 in Mutation Revision Case No.63 of 2014-15 passed by the A.D.M. by an order dated 13.11.2019 (Annexure-P/6), which is impugned in the instant writ application.

6. The learned State counsel, at this stage, submits that the learned BLT allowed BLT Case No.260 of 2018 on the ground that the order passed by the learned Civil Court in T. S. No.71 of 1999 shall be binding on all the parties i.e. the learned BLT came to a considered conclusion that during pendency of T. S. No.71 of 1999, Mutation could not have been done of the land in dispute in view of Section 6(12) of the Mutation Act, which bars mutation during pendency of a Title Suit with regard to the land which is sought to be mutated.

7. The learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned State counsel and submits that T. S. No.71 of 1999 has been filed by his vendor Lalmuni Kunwar for declaration of her share equal to 3/4th share in the suit land and Lalmuni Kunwar executed the sale deed in favour of the petitioner which is well within her share. Further, petitioner is not a party to T. S. No.71 of 1999, hence bar of Section 6(12) of the Mutation Act will not operate



against him. Further, the sale deed dated 12.11.2013 has not challenged by anyone, since the same was executed by Lalmuni Kunwar within her share. It is next submitted that respondent 2nd set did not bring to the notice of BLT that T. S. No.71 of 1999 has been stayed by an order dated 16.02.2016 in CWJC No.5736 of 2014.

8. The learned counsel appearing on behalf of the State vehemently rebuts the said submission of the learned counsel appearing on behalf of the petitioner and submits that the submissions are misconceived for the reason that it is not in dispute that Lalmuni Kunwar has filed the aforesaid T. S. No.71 of 1999 for declaration of her share equal to 3/4th share in the suit land. It is further submitted that it cannot be construed that what Lalmuni Kunwar had prayed in T. S. No.71 of 1999 shall be granted to her, as such, the contention of the learned counsel appearing on behalf of the petitioner that Lalmuni Kunwar sold the land in dispute which was well within her share is fallacious. It is also submitted that no doubt as pleaded in the writ application that proceeding in T. S. No.71 of 1999 has been stayed by an order dated 16.02.2016 in CWJC No.5736 of 2014 passed by this Court, but then, mere stay of the proceeding does not amount to adjudicating a lis. It is further submitted that



Section 6(12) of the Mutation Act bars mutation of the land during pendency of a Title Suit, as such, there is no infirmity in the order passed by the learned BLT. It is next submitted that petitioner as purchaser of the land is not a necessary party in T.S. No.71 of 1999, as the petitioner in the land will not have better title than his vendor, further the T.S. No.71 of 1999 was filed in the Year 1999 and the petitioner purchased the land in dispute in the Year 2013 during pendency of T.S. No.71 of 1999 and the pleadings in the writ application does not even remotely suggest that petitioner purchased the land not being aware of the pendency of the T.(P).S. No.71 of 1999, as such, it can be amply construed that petitioner being aware of the pendency of T.S. No.71 of 1999 had purchased the land in dispute, hence cannot take a plea that Section 6(12) of the Mutation Act will not apply, as he is not a party to the suit. It is reiterated and submitted that petitioner is not a necessary party to the suit.

9. The Court is in complete agreement with the submissions made by the learned State counsel and thus, finds no merit in the writ application.

10. The writ application is dismissed.

(Satyavrat Verma, J)

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