

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5153 of 2025

1. Jan Mohammad S/o-Late Agar Ali @ Late Ajar Ali Ansari, Resident of Village and P.O.-Sikathi, P.S.-Dhansoi, District-Buxar.
2. Sakiona Bano W/o-Usman Ansari, D/o-Late Agar Ali @ Late Ajar Ali Ansari,, Resident of Village and P.O.-Kanghai, P.S.-Bikramganj, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Buxar.
2. The, Deputy Collector, Land Reforms, Sadar, Buxar.
3. The, Circle Officer, Rajpuar, District-Buxar.
4. Shahebjhan Ansari S/o Late Noor Mohammad Resident of Village and P.O.-Sikathi, Anchal-Rajpur, P.S.-Dhansoi, District-Buxar.
5. Sainul Ansari S/o Late Samtull Ansari Resident of Village and P.O.-Sikathi, Anchal-Rajpur, P.S.-Dhansoi, District-Buxar.
6. Shohrab Ansari S/o Late Liyakat Ansari Resident of Village and P.O.-Sikathi, Anchal-Rajpur, P.S.-Dhansoi, District-Buxar.
7. Jibrail Ansari S/o Late Hadish Ansari Resident of Village and P.O.-Sikathi, Anchal-Rajpur, P.S.-Dhansoi, District-Buxar.
8. Jakir Hussain S/o Late Hakif Miya Resident of Village and P.O.-Sikathi, Anchal-Rajpur, P.S.-Dhansoi, District-Buxar.
9. Kitabana Khatoon W/o Late Shabir Hussain, D/o Late Diljan Miya Resident of Village and P.O.-Sikathi, Anchal-Rajpur, P.S.-Dhansoi, District-Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey
For the State	:	Mr. Syed Hussain Majeed, AC to SC 6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 19-08-2025 | 1. The present writ petition has been filed for quashing the order, dated 29.07.2024, passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 750 of 2022, whereby the learned Tribunal has affirmed the order, dated 12.07.2022, passed by the District Magistrate, Buxar in |
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Mutation Revision Case No. 227 of 2019, holding that the orders passed by both, the appellate authority and the revisional authority, deserve no interference till adjudication of the matter by this Hon'ble High Court in the second appeal.

2. The brief facts of the case is that a piece of land situated at Mauza Sikthi, thana No. 612, District Buxar, under Khata Nos. 60, 15, 07 and 06, comprising several plots, ad measuring 2.65 acres, originally belong to one Late Agar Ali Miya.
3. The claim of the petitioners is that Late Agar Ali Miya had two wives, first Jainab Khatoon and second Noor Jahan Bano (mother of the petitioners). The petitioners, being son and daughter of Agar Ali Miya and Noor Jahan Bano, claim inheritance rights of the disputed property as direct descendants through Noor Jahan Bano.
4. The respondents 4 to 9, on the other hand, contended that Agar Ali Miya never married Noor Jahan Bano and she was only a maid, who had children of her own. They further claimed that Agar Ali Miya had transferred the property to his first wife, Jainab Khatoon, as dower, and Jainab Khatoon subsequently executed three registered



gift deeds on 10.06.1985, gifting the property to the respondents 4 to 9.

5. One of the petitioners, namely Sakina Bano, has challenged the said gift deeds in Title Suit No. 175 of 2000. The suit was dismissed on merit. Thereafter, she preferred Title Appeal No. 09 of 2008, in which the learned Additional District Judge-V, Buxar, by order, dated 08.09.2010, set aside the order passed in Title Suit No. 175 of 2000 and remanded the matter back to the learned Trial Court.
6. Against the judgment and order passed in Title Appeal No. 09 of 2008, the respondents 4 to 9 preferred Misc. Appeal No. 916 of 2010 before this Hon'ble Court, but the same was dismissed on 29.04.2015 for wrong compliance of the peremptory order, dated 08.04.2015.
7. The Misc. Appeal No. 916 of 2010 was restored by this Hon'ble Court vide order, dated 13.01.2016, and by order, dated 31.01.2019, the order passed in Title Appeal No. 09 of 2008 with respect to remanding the matter back to the learned Trial Court was set aside and the matter was directed to be reconsidered afresh by the learned Appellate Court.



8. During the pendency of Misc. Appeal No. 916 of 2010, the petitioner no. 1 applied for mutation on 10.01.2018, bearing Mutation Case No. 1935 of 2017-18 before the Circle Officer, Rajpur, which was allowed by the Circle Officer, by order, dated 25.01.2018, and the land, in question, was mutated in favour of the petitioners.
9. The respondents 4 to 9 filed Mutation Appeal No. 67 of 2018-19 before the Deputy Collector Land Reforms, Buxar, against the order, dated 25.01.2018, passed by the Circle Officer, Rajpur, in Mutation Case No. 1935 of 2017-18.
10. The Deputy Collector Land Reforms, by order, dated 12.10.2019, set aside the order, dated 25.01.2018, passed by the Circle Officer, mutating the land in question in favour of the petitioners, on the ground that the mutation was ordered while the appeal was pending before the High Court. The Deputy Collector Land Reforms restored the earlier status quo and directed issuance of revenue receipts in favour of the respondents 4 to 9.
11. Aggrieved by the order, dated 25.01.2018, passed by the Deputy Collector Land Reforms, the petitioners filed a revision application before the District Magistrate, Buxar,



bearing Mutation Revision Case No. 227 of 2019 and the District Magistrate, Buxar, by order, dated 12.07.2022, dismissed the revision and upheld the order of the Deputy Collector Land Reforms, holding that no illegality was committed by the Deputy Collector Land Reforms while passing the order, dated 25.01.2018.

12. The petitioners, thereafter, preferred B.L.T. Case No. 750 of 2022 before the Bihar Land Tribunal, Patna, which, by the impugned order, dated 29.07.2024, affirmed the decision of the District Magistrate and ordered that the orders passed by the appellant as well as revisional authority deserve no interference till adjudication of the matter by the Hon'ble High Court in second appeal.
13. In pursuance of direction of this Hon'ble Court in Misc. Appeal No. 916 of 2010, the learned Additional District Judge-III, Buxar, decided the Title Appeal No. 09 of 2008 on 12.09.2022, which has been challenged before this Court in Second Appeal No. 397 of 2022 by respondents 4 to 9.
14. Learned Counsel for the petitioners submits that on 25.01.2018, when the Circle Officer allowed the mutation in favour of the petitioners, the Misc. Appeal No. 916 of



2010 was already dismissed for default. He further submits that the findings of the Civil Court declaring the petitioners as legal heirs and the gift deeds void and inoperative in their favour and the contrary orders of the revenue authorities are unsustainable. The revenue authorities have acted mechanically while cancelling the mutation in their favour despite clear findings of the Civil Court in their favour.

15. Learned Counsel further submits that Section 6 (12) of the Bihar Land Mutation Act, 2011, is not applicable in the facts of the case inasmuch as Section 6 (12) of the 2011 Act says that mutation of a holding or a part thereof shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court. And in the present case, no title suit was pending on the date the Circle Officer passed mutation order in their favour.
16. On the other hand, learned Counsel appearing for the State argued that the mutation order, dated 25.01.2018, was passed by the Circle Officer without notice or affording any opportunity to the respondents 4 to 9 and based on an erroneous report of the Karamchari.



17. Learned Counsel further submits that the statement of the petitioner so far as Misc. Case No. 916 of 2010 is concerned is wrong, inasmuch as the said appeal was dismissed for default on 29.04.2015 for wrong compliance of the peremptory order, dated 08.04.2015, but the said Misc. Appeal was restored by this Hon'ble Court vide order, dated 13.01.2016, and the petitioners filed an application for mutation of the land in their favour on 10.01.2018, i.e. during the pendency of the misc. appeal before this Court.
18. Since civil litigation regarding title is pending and the appeal is in continuation of the title suit, as such, under Section 6 (12) of the Bihar Land Mutation Act, 2011, the learned Tribunal has rightly held that mutation of the holding shall be dependent upon the final outcome of the second appeal.
19. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including the impugned order and different orders passed in Misc. Appeal No. 916 of 2010.
20. It is not in dispute that the judgment, dated 12.09.2022, passed in Title Appeal No. 09 of 2008, is under challenge



before this Court in Second Appeal No. 397 of 2022. Section 6 (12) of the Bihar Land Mutation Act, 2011, clearly stipulates that where a title suit is pending before a court, no mutation shall be effective, and the Misc. Appeal No. 916 of 2010 was very much pending before this Court on the date of passing the mutation order by the Circle Officer. The Deputy Collector Land Reforms, the District Magistrate and the Bihar Land Tribunal, Patna, have concurrently applied this principle.

21. Considering the aforesaid, I do not find any infirmity in the impugned order, dated 29.07.2024, passed by the learned Bihar Land Tribunal, Patna, in B.L.T. Case No. 750 of 2022.
22. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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