

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11203 of 2024

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1. Binod Kumar Singh Son of Sri Suresh Singh Resident of Village-Ghanadih, P.O. Dhanaut, P.S. Daraunda, District-Siwan. at Present residing at 54A, Bahadurpur, Saketpuri, CTIGEE Classes, Rajendra Nagar, P.S. Bahadurpur, District-Patna.
 2. Kumari Chanda, Wife of Vinod Kumar Resident of Village-Ghanadih, P.O. Dhanaut, P.S. Daraunda, District-Siwan. at Present residing at 54A, Bahadurpur, Saketpuri, CTIGEE Classes, Rajendra Nagar, P.S. Bahadurpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The Collector Cum District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The Land Reforms Deputy Collector, Patna City, Patna.
5. The Circle Officer, Sadar, Patna.
6. Satya Narayan Kumar Son of Ramdeo Mahto Resident of Village-Bahari Begumpur, P.O. Begumpur, P.S. Bypass, District-Patna.
7. Abhishek Kumar Son of Late Shailendra Kumar Resident of Village-Bahari Begumpur, P.O. Begumpur, P.S. Bypass, District-Patna.
8. Ram Narayan Son of Late Baidyanath Prasad Resident of Mohalla-Chainpura, P.S. Bypass, District-Patna.
9. Bajrangi @ Vinay Shankar Son of Late Baidyanath Prasad Resident of Mohalla-Chainpura, P.S. Bypass, District-Patna.
10. Ravi Shankar Son of Late Baidyanath Prasad Resident of Mohalla-Chainpura, P.S. Bypass, District-Patna.
11. Manoj Kumar Son of Late Shiv Shankar Prasad Resident of Mohalla-Chainpura, P.S. Bypass, District-Patna.
12. Bipul Kumar Son of Late Sikandar Mahto Resident of Mohalla-Chainpura, P.S. Bypass, District-Patna.
13. Baban Kumar Son of Late Sikandar Mahto Resident of Mohalla-Chainpura, P.S. Bypass, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shakti Suman Kumar, Advocate Mr. Rajesh Ranjan, Advocate Mr. Mohammad Farooq, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4
For the Respondent No. 6	:	Mr. Rakesh Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT



Date : 29-07-2025

Heard learned counsel for the petitioners, learned AC to GP-4 for the State and learned counsel appearing on behalf of the respondent no. 6.

2. Learned counsel appearing on behalf of the petitioners submits that the land in dispute in the instant writ application appertains to Khata No. 72, Khesra No. 262, area 88.789 decimals at Mauza Ranipur Chak Milki, Thana No. 20, P.S. Chowk Kala, District Patna. It is further submitted that petitioners herein are husband and wife. It is next submitted that petitioner no. 2 purchased 15.625 decimals of land from the aforesaid Khesra No. 262 by a sale deed dated 14.11.2009 executed by Hiramati Devi. It is also submitted that Hiramati Devi had purchased the aforesaid land from respondents no. 6 and 7. It is submitted that thereafter petitioner no. 1 also purchased 15.625 decimals of land from the aforesaid Khesra No. 262 by a sale deed dated 16.12.2009 executed by Baidynath Prasad and his sons, namely, Ram Narayan and Bajrangi along with Shiv Shankar Prasad and his sons, namely, Manoj Kumar and Shashi Ranjan. Thereafter, petitioner no. 2 purchased 15.625 decimals of land from Khesra No. 262 by a sale deed dated 04.01.2010 executed in her favour by Baidynath Prasad



and his sons, namely, Ram Narayan and Bajrangi along with Shiv Shankar Prasad and his sons, namely, Manoj Kumar and Shashi Ranjan. Further, petitioner no. 2 purchased 15.625 decimals of land by a sale deed dated 25.01.2010 executed by Sikandar Mahto and his sons, namely, Vipul Kumar and Baban Kumar. Thereafter, petitioner no. 2 again purchased 9.375 decimals of land from the aforesaid Khesra by sale deed dated 30.01.2010 executed by Sikandar Mahto and his sons, namely, Vipul Kumar and Baban Kumar. Thereafter, petitioner no. 1 purchased 16.914 decimals of land by a sale deed dated 26.03.2010 executed by Baidynath Prasad and his sons, namely, Ravi Shankar Prasad and Vinay Shankar Prasad along with Shiv Shankar Prasad and his sons, namely, Manoj Kumar and Shashi Ranjan. It is thus submitted that in this way, petitioners no. 1 and 2 in total purchased 88.789 decimals of land from their vendors by the aforesaid six sale deeds.

3. Learned counsel for the petitioners submits that thereafter the petitioners applied for getting their names mutated with respect to their purchased land and, accordingly, Jamabandi No. 464, 465 and 463 was created in the name of the petitioners no. 1 and 2 respectively with respect to their purchased land. It is further submitted that the vendors of the petitioners were also



having Jamabandi created in their names, as such, the respondent no. 6 and 7 filed an appeal before the Deputy Collector Land Reforms, Patna City, Patna for getting the Jamabandi created in the name of the vendors of the petitioners cancelled, but the same was dismissed by an order dated 08.11.2008. Thereafter, respondents no. 6 and 7 filed revision against the order creating mutation passed by the Circle Officer in favour of the vendors of the petitioners and affirmation of the same by the Deputy Collector Land Reforms, Patna City, Patna before the District Magistrate-cum-Collector, Patna by filing Revision Case No. 33 of 2008. It is next submitted that Revision Case No. 33 of 2008 was referred to the Additional Collector, Patna for adjudicating the same, accordingly, Revision Case No. 33 of 2008 was allowed by an order dated 10.07.2018.

4. Learned counsel for the petitioners next submits that the vendors of the petitioners had filed Title Partition Suit No. 104 of 2005 in the Court of learned Sub-Judge-I, Patna City, Patna in which the respondents no. 6 and 7 along with others were impleaded as defendants. It is further submitted that Title Partition Suit No. 104 of 2005 was dismissed for non-prosecution by an order dated 31.05.2016. It is, thus, submitted that since the title partition suit filed by the vendors of the



petitioners stood dismissed for non-prosecution, as such, title partition suit was not adjudicated on merits.

5. Learned counsel for the petitioners next submits that after the revisional order was passed by the Additional Collector, Patna cancelling the order of mutation in the name of the vendors of the petitioners and also setting aside the order passed in appeal by the Deputy Collector Land Reforms, Patna City, Patna, the respondents no. 6 and 7 came on the purchased land of the petitioners for taking possession. It is submitted that though the revisional order was passed in the year 2018 but the private respondents came on the purchased land of the petitioners five years thereafter, it was then that the petitioners came to know that in revision, the order of mutation passed by the Circle Officer, Sadar, Patna in favour of the vendors of the petitioners has been cancelled, as such, the petitioners moved before the Bihar Land Tribunal by filing B.L.T. Case No. 106 of 2024. It is next submitted that B.L.T. Case No. 106 of 2024 was dismissed by a cryptic order dated 21.03.2024 passed by the learned Member (Administrative), Bihar Land Tribunal (Annexure-P/4) on the ground that B.L.T. Case No. 106 of 2024 was barred by limitation as it was filed after more than five years of the order passed by the Additional Collector, Patna in



the revision case.

6. Learned counsel appearing on behalf of the petitioners submits that since the order of mutation was passed in favour of the petitioners, as such, the petitioners were in possession of their purchased land as Jamabandi connotes possession. It is further submitted that Jamabandi created in the name of the petitioners till date is standing, as such, until and unless Jamabandi created in the name of the petitioners is cancelled, the private respondents cannot come on the land of the petitioners. It is next submitted that even if Jamabandi is cancelled whether the Additional Collector in terms of Section 9(1) of the Bihar Land Mutation Act, 2011 will be entitled to dispossess the petitioners from the land as this Hon'ble Court in C.W.J.C. No. 16494 of 2018 (Ramowtar Lakhotia Vs. The State of Bihar & Ors.) has struck down Section 9(1) of the Bihar Land Mutation Act, 2011 inasmuch to the extent it confers power upon the Additional Collector to dispossess the person whose Jamabandi has been cancelled and to put in possession the legitimate owner/custodian of such land on such terms as may appear to the Additional Collector to be fair and equitable.

7. Learned counsel appearing on behalf of the petitioners further submits that no doubt petitioners had moved



before the Bihar Land Tribunal after a delay of five years but then the petitioners were not aware that any proceeding in between their vendors and the private respondents was going on. It was only when the private respondents came on their purchased land that the petitioners came to know about the prevailing litigation in between their vendors and the private respondents and on coming to know about the orders passed by the Additional Collector in the aforesaid revision case, the petitioners approached the Bihar Land Tribunal. It is further submitted that merely because the petition was filed after a delay of five years that in itself did not entitle the Bihar Land Tribunal to dismiss B.L.T. Case No. 106 of 2024 on grounds of limitation rather the Bihar Land Tribunal was obliged to assign reason as to whether the grounds taken by the petitioners in their application seeking condonation of delay was just and proper or not.

8. Learned counsel appearing on behalf of the respondent no. 6 submits that vendors of the petitioners and the private respondents are related. It is further submitted that the land which the vendors of the petitioners sold in favour of the petitioners does not belong to them i.e. the vendors of the petitioners neither have title or possession over the land



purchased by the petitioners. It is next submitted that even the Title Partition Suit No. 104 of 2005 filed by the vendors of the petitioners as plaintiff got dismissed for non-prosecution since the case was not pursued diligently or the vendors of the petitioners deliberately did not pursue the partition suit but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that the order impugned passed by the Bihar Land Tribunal is cryptic and does not assign any reason for not dealing with the condonation application filed by the petitioners seeking condonation of delay in filing the case before the Bihar Land Tribunal nor is in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that Jamabandi created in the name of the petitioners is standing and even if the same is cancelled whether petitioners can be dispossessed from their purchased land.

9. After hearing learned counsel for the parties and after perusing the order impugned, the Court comes to a considered conclusion that the order passed by the Bihar Land Tribunal is cryptic and does not assign any reason that on what basis the Bihar Land Tribunal came to a considered conclusion that the case was barred by limitation when it is the case of the



petitioners that they were not party to the proceedings either before the Circle Officer, Sadar, Patna, Deputy Collector Land Reforms, Patna City, Patna or the Additional Collector, Patna, as such, were not aware of the order passed by the Additional Collector, Patna and it was only when the private respondents came on the land of the petitioners that they became aware of the revisional order passed by the Additional Collector, Patna, further, the order impugned does not deal with the grounds taken in the application filed by the petitioners seeking condonation of delay in approaching the learned Tribunal, as such, the order dated 21.03.2024 in B.L.T. Case No. 106 of 2024 passed by the learned Member (Administrative), Bihar Land Tribunal is hereby set aside and the matter is remanded back to the Bihar Land Tribunal to consider the case of the petitioners afresh after considering the issue of limitation in accordance with law within a period of nine months from the date of receipt/production of a copy of this order.

10. It is made clear that if the learned Tribunal comes to a conclusion that B.L.T. Case No. 106 of 2024 was barred by limitation in that event proper reasoning has to be assigned after considering the application filed by the petitioners seeking condonation of delay.



11. The instant writ application is disposed of accordingly.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.07.2025
Transmission Date	

