

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18198 of 2024

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Uday Prakash Singh Son of Late Shyam Lal Singh, Resident of Village-Shahjadpur, P.S.-Shahkund, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Old Secretariat, Bailey Road, Patna 800015.
 2. The Department of Land and Revenue, Government of Bihar through its Secretary, Department of Revenue and Land Reforms, Old Secretariat, Bailey Road, Patna 800015.
 3. The Bihar Animal and Fisheries Resources Department through its Secretary, Vikas Bhavan, Bailey Road, Patna 800015.
 4. The District Collector, Bhagalpur.
 5. The Deputy Collector Land Revenue, Sadar, Bhagalpur.
 6. The Circle Officer, Shahkund, District-Bhagalpur.
 7. Shri Raghunandan Mandal Son of Late Surya Narayan Mandal,
 8. Radheshwar Mandal, son of Late Surya Narayan Mandal,
 9. Shivdani Mandal, son of Late Phonelal Mandal,
 10. Subhash Mandal, son of Late Naren Mandal,
 11. Mukesh Tanti, son of Firangi Tanti,
 12. Raj Kumar Mandal, son of Late Jawahar Mandal,
 13. Jitendra Mandal, son of Late Yogendra Yadav,
 14. Puren Tanti, son of Late Bhutu Tanti,
 15. Gond Tanti, son of Late Narangi Tanti,
 16. Dhodhi Tanti, son of Late Narangi Tanti,
 17. Shyam Mandal, son of Radheshwar Mandal,
 18. Ramji Mandal, son of Phucho Mandal,
 19. Pintu Kumar, son of Siyaram Mandal,
 20. Bethaswar Mandal, Son of Fucho Mandal,
 21. Promod Mandal, son of Umakant Mandal,
- 7 to 21 are resident of Village-Shuksarowar, P.S.-Shahkund, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar
For the Respondent/s : Mr. K. N. Jha, AC to GP 11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-10-2025 1. The petitioner has filed the present writ petition seeking



quashing of the order, dated 21.08.2023, passed by respondent no. 4- District Magistrate, Bhagalpur, in Mutation Revision Case No. 51 of 2014-15, by which the District Magistrate, Bhagalpur, has affirmed the order, dated 28.07.2014, passed by the Deputy Collector Land Reforms, Sadar, Bhagalpur, in Mutation Appeal No. 16 of 2012-13.

2. Learned Counsel for the petitioner submits that the petitioner purchased a piece of land, situated at mouza Tahbalnagar, having Old Khata No. 69, Plot No. 194, Survey Khata No. 173, Plot No. 135, admeasuring 03 acres 75 decimals, in the year 1967 by virtue of registered sale deed. The title of the petitioner was doubted by respondent no. 3, i.e. Bihar Animal and Fisheries Resources Department, on the basis of the revised khatian made after vesting of the estate in favour of the State under the Land Reforms Act, claiming that the subject land was vested in the State of Bihar as the nature of the land was natural tank (Sukh Sarovar Tank). The petitioner filed Title Suit No. 66 of 1968 before the learned Sub Judge, Bhagalpur, which was dismissed vide order, dated 30.06.1973. Title Appeal No. 38 of 1973 was



preferred by the petitioner and the learned Additional District Judge, Bhagalpur, vide judgment, dated 22.07.1975, allowed the appeal and the judgment, passed by the learned Sub Judge, Bhagalpur was set aside. In the judgment of the title appeal, the Court has declared that the petitioner/plaintiff is the occupancy raiyat of the suit land and the defendants have got no right, title and interest beyond receiving rent. He further submits that the petitioner has been enjoying the subject land after its purchase in the year 1967. The petitioner applied for mutation of the subject land on 02.06.2011 before the Circle Officer, Shahkund, in Mutation Case No. 188 of 2011-12, which was decided in favour of the petitioner, vide order, dated 16.06.2011/24.06.2011 and the name of the petitioner was mutated in the revenue record, having Jamabandi No. 505.

3. Against the order, dated 16.06.2011/24.06.20211 passed by the respondent no. 6, respondent nos. 7 to 21 preferred Mutation Appeal No. 16 of 2012-13 before the Deputy Collector Land Reforms, claiming therein that the subject land is public land and the respondent nos. 7 to 21 used to irrigate their fields from the pond, situated in the subject



land. The appeal was allowed by the Deputy Collector Land Reforms in favour of the respondent nos. 7 to 21, vide order dated 28.07.2014.

4. Aggrieved by the same, the petitioner filed Mutation Revision Case No. 51 of 2014-15, before the District Magistrate, Bhagalpur, whereby the revision filed by the petitioner was dismissed and the order, dated 28.07.2014, passed by the Deputy Collector Land Reforms, Sadar, Bhagalpur, in Mutation Appeal No. 16 of 2012-13, was affirmed.
5. On the other hand, learned Counsel for the State argued that the petitioner has the remedy under Section 9 of the Bihar Land Tribunal Act, 2009, to make an application before the Bihar Land Tribunal arising out of the order passed by the authorities under the Bihar Land Mutation Act, 2011.
6. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.
7. It appears that the petitioner has not availed the remedy under Section 9 of the Bihar Land Tribunal Act, 2009, against the order passed by the authorities under the Bihar Land Mutation Act, 2011.



8. Accordingly, the petitioner is given liberty to file an appropriate application before the Bihar Land Tribunal against the impugned orders within a period of six weeks from today.
9. If such an application is filed along with an application for condonation of delay, the Tribunal shall consider the same on its own merit after giving opportunity of hearing to all concerned, including the respondent nos. 7 to 21, by a reasoned and speaking order.
10. Till the filing of the application/appeal by the petitioner before the Tribunal, the status quo, existing as of today, shall be maintained by all concerned.
11. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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