

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12211 of 2016

1. Amrendra Prasad Mandal Son of Late Bhuwaneshwari Prasad Mandal
2. Narendra Kumar Mandal Son of Late Bhuwaneshwari Prasad Mandal Both residents of Dharm Shala Road, Mohalla - Madhubani, Police Station - Khajanchi Hat, District - Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Bihar Land Tribunal Patna through the Registrar of the said Bihar Land Tribunal, Patna.
3. The Collector, Purnia.
4. The Additional Collector, Purnia.
5. The Deputy Collector, Land Reforms, Sadar, Purnia.
6. The Anchal Adhikari, Bhawanipur within the district of Purnea.
7. Shri Vajesh @ Om Kumar Son of Shri Priyabrat Mandal and claiming to be adopted Son of Late Jageshwar Mandal of Mohalla - Deep Nagar, Kalika Ramgola Lane, Police Station - Kotwali, District - Bhagalpur.
8. Shri Priyabrat Mehta Son of Late Asharfi Mehta resident of Village - Bhukhanpur, Police Station - Shakhund, District - Bhagalpur and at present at Ghantaghar Chowk near Bank of Baroda, Police Station - Kotwali, District - Bhagalpur.
9. Shri Bimal Kishor Mandal the then Mukhia, Gram Panchayat Supouli, District - Purnea.
10. Smt. Kalpana Devi - the then Ward Member, Ward No - 13 Gram Panchayat Supouli within the district of Purnea.
11. Shri Kailash Thakur the then Ward Member, Ward No - 6 Gram Panchayat - Supouli within the district of Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Prasad Ambastha, Advocate Mr. Binay Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA-3 Mr. Indeshwari Pd. AC to GA-3

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 27-01-2026 Heard Mr. Binay Kumar Sinha, learned counsel for

the petitioner, Mr. Rajiv Ranjan Jha, learned counsel



representing the respondent no. 7 as also Mr. Subhash Pd. Singh, GA-3.

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

“a):- For quashing the Judgment and order dated the 20th day of March, 2015 at Annexure-9 passed by the Member, Administrative of the Bihar Land Tribunal, Patna in B.L.T. Case No-540 of 2014 by which the B.L.T Case was allowed and the order dated 26.3.2013 passed by the Additional Collector, Purnia in Mutation Revision No-08 of 2010 was set aside after holding that he acted beyond his jurisdiction as he has no jurisdiction to hear Revision application.

b):- For staying the operation of the order dated the 20th March, 2015 at Annexure-9 till the disposal of this petition.

c):- For any other relief or reliefs as deemed fit and proper in the interest of Justice.”

3. The matter relates to lands as recorded in paragraph-5 as follows:

“Mauza – Dumprail Darp, Thana No. - 212/1,



Police Station – Bhawanipur, District – Purnia appertaining to Khata No. 113 Plot No. - 24, 53, 54, 264, 260, 261, 262 and 263 measure a total area of 7.18 acres.”

4. It originally belonged to Gajadhar Mandal who was blessed with three sons namely, Jageshwar Mandal, Asharfi Mandal and Chandradeo Mandal. Jageshwar Mandal died issueless leaving behind his wife, Malti Devi. While Asharfi Mandal was blessed with Priyabrat Mehta (respondent no. 8). Vagesh @ Om Prakash (respondent no. 7) is the son of Priyabrat Mehta (respondent no. 8) and he claims to have been adopted by Malti Devi (wife of Jageshwar Mandal). She transferred the said land to the respondent no. 7

5. The petitioners are the purchaser of the land from the father of Om Prakash namely Priyabrat Mehta (respondent no. 8) vide sale deed dated 26.08.2008. It is the allegation of the petitioner that the moment, the respondent no. 7 came to know about the execution of sale deed by his father, he got the land mutated on 21.12.2008 at the Camp Court held by the Circle Officer, Bhawanipur and ironically on the day, he submitted application, the Circle Officer took reports from the revenue authorities and allowed the said prayer for mutation on



the same day. (annexure-P/4) to the petition.

6. Aggrieved, the petitioners moved before the DCLR, Sadar Purnea which came to be dismissed on 29.04.2010. Still aggrieved, they moved in revision application before the Additional Collector, Purnea in **Revision Case No. 08 of 2012** which was allowed on 26.03.2013 taking note of the fact that the C.O, Bhawanipur passed the order on the same day, the application was made.

7. Now it was the turn of the respondent no. 7 to move before the Bihar Land Tribunal in **BLT Case No. 540 of 2014** and the same was allowed only on the ground that the Additional Collector, Purnea had no power to decide the mutation revision case as he could not have heard the revision application (annexure-9 to the petition).

8. Aggrieved, the present writ petition by the petitioners/purchaser of the land from the respondent no. 8.

9. Learned counsel for the petitioners has taken this Court to the **Gazette notification dated 11th of June, 2008** issued by the **Revenue and Land Reforms Department, Bihar, Patna** (Annexure-8 to the petition) which shows that the Additional Collector has the power to hear the revision application.



10. He has further taken this Court to the counter-affidavit filed on behalf of the respondent nos. 3 to 6 with specific reference to paragraph-14 wherein the State has conceded that the Additional Collector, Purnea had jurisdiction to entertain mutation revision application in view of the gazette notification dated 11th of June, 2008.

11. Respondent no. 7 has appeared and learned counsel submits that the petitioners have suppressed certain facts which have been brought on record by way of counter-affidavit. He submits that during the pendency of the application before 'the BLT'; the petitioner moved before the Circle Officer, Bhawanipur for mutation of the land which was rejected on 07.07.2014. This fact has not been brought on record despite the writ petition having been filed in the year 2016.

12. Learned GA-3, Mr. Subhash Pd. Singh submits that there is claim and counter-claim with regard to the piece of land. The respondent no. 8 being the nephew of Jageshwar Mandal claims to have got the land as Jageshwar Mandal was issueless. His son, Om Prakash (respondent no. 9) on the other hand claims to have been adopted by the lady widow of Jageshwar Mandal. However, this Court has taken note of the



fact that there is neither any document to show that the vendor, Priyabrat Mehta was the only nephew/heir on whom the land could have been devolved nor there is any registered deed in favour of the respondent no. 7.

13. He submits that the witnesses have to be examined/evidences adduced which can at best be adjudicated before a competent Civil Court and not under Article 226 of the Constitution of India.

14. Having heard the parties and perusing the record, this Court is in complete conformity with the submissions put forwarded by learned GA-3. Respondent nos. 7 and 8 are son and father respectively. Respondent no. 7 claims that he was adopted but has no registered deed is there to support his claim. On the other hand, petitioners claim that the respondent no. 8 was the natural heir being the nephew of Jageshwar Mandal from whom they purchased the land. Again, there is nothing on record to show that there are/were no other claimants to the said land as it has already been recorded in earlier paragraphs that late Gajadhar Mandal was blessed with three sons namely, Jageshwar Mandal, Asharfi Mandal and Chandradeo Mandal. Jageshwar Mandal died issueless. He had two brothers, Asharfi Mandal and Chandradeo Mandal. In that background, it cannot



be decided that it devolved exclusively on Priyabrat Mehta.

15. In that background, this Court is of the opinion that both the parties are free to knock the doors of the competent Civil Court and if such petition is filed, the concerned Court shall take up the matter without being prejudiced by any of the comment/observation/findings/order passed by any of the revenue authorities/Court.

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

(Rajiv Roy, J)

Adnan/-

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