

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6356 of 2021

1. Ram Bachan Rai
 2. Ramashish Rai
Both sons of Late Sitaram Rai, Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
- Petitioner/s
- Versus
1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
 2. Collector, Buxar, District- Buxar.
 3. Deputy Collector, Land Reforms, Buxar, District- Buxar.
 4. Anchal Adhikari, Itarhi, District- Buxar.
 5. Most. Rajpati Devi Wife of Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 6. Arun Kumar Pal Son of Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 7. Umesh Kumar Pal Son of Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 8. Dinesh Kumar Pal Son of Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 9. Ramesh Kumar Pal Son of Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 10. Indu Devi D/o Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 11. Meena Devi D/o Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 12. Bindu Devi D/o Late Ram Suresh Bhagat @ Sukhari Bhagat Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 13. Devmuni Devi Wife of Late Ram Naresh Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 14. Narendra Kumar Son of Late Ram Naresh Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 15. Dharmendra Kumar Son of Late Ram Naresh Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 16. Sima Kumari D/o Late Ram Naresh Gareri, Wife of Nand Kumar Gareri Resident of Village- Jalalpur, P.O. and Police Station- Jalalpur, District- Mirjapur (U.P.).
 17. Birendra Prasad Son of Late Ram Bilash Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
 18. Narendra Prasad Son of Ram Naresh Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.



19. Tileshwar Gareri Son of Maksudan Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
20. Vijay Gareri Son of Late Kamta Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
21. Akshay Gareri Son of Late Kamta Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
22. Raja Ram Gareri Son of Late Chandra Madho Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
23. Awadhesh Son of Ram Sanehi Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
24. Bachan Gareri Son of Ram Govind Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
25. Lal Bihari Gareri Son of Ram Govind Gareri Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
26. Gouri Mallah Son of Raj Kumar Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
27. Gopal Mallah Son of Raj Kumar Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
28. Bala Mallah Son of Raj Kumar Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
29. Santi Devi @ Lalita Devi W/o Late Bhagwan Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
30. Parmeshwar Choudhary Son of Late Bhagwan Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
31. Kanchan Devi D/o Late Bhagwan Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
32. Babuniya Devi W/o Late Dasharath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
33. Ram Pravesh Choudhary Son of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
34. Jag Mohan Chaudhary Son of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
35. Buna Mallah Son of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
36. Sunil Chaudhary Son of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
37. Chandra Kanta Daughter of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
38. Sheela Daughter of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.
39. Guriya Daughter of Late Dashrath Mallah Resident of Village- Atarauna, Police Station- Itarhi, District- Buxar.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh, Sr. Advocate
Mr.Varun Krishna Singh, Advocate
For the Res.No.5 to 39 : Mr.Rajiv Ranjan Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-02-2026 Heard Mr. Jitendra Prasad Singh, learned Senior Advocate along with Mr.Varun Krishna Singh, learned counsels appearing on behalf of the petitioners and Mr. Rajiv Ranjan Kumar Pandey, learned counsel for the State.

2. Petitioners have *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“That this is an application for issuance of an appropriate writ/writs setting aside the order/judgment dated 29.01.2020 passed by Member (Administrative) the Bihar Land Tribunal, Patna in B.L.T.Case No.914 of 2016 by which case filed by the petitioners has been dismissed and order of the Collector, Buxar dated 4.6.2012 passed in Mutation Revision No.58 of 2004 has been affirmed whereunder and whereby learned Collector set aside the order dated 26.06.2004 passed by D.C.L.R. in Mutation Appeal No.35 of 2003-04 setting aside the order of Circle Officer, Itarhi dated 30.09.2002 passed in Mutation Case No.754 of 2002-03 and or to grant any other relief or reliefs for which petitioner is legally entitled in the facts and circumstances of the case.”

3. At the outset, learned counsel appearing on behalf of petitioners submitted that the order dated 29.01.2020 passed by the Bihar Land Tribunal, Patna in B.L.T. Case No.914 of 2016 is not sustainable, as the same has been passed by the Member, who is the Officer of the Indian Administrative Service and in this regard, he has relied upon a judgment passed by the



Apex Court, in the case of *State of Gujarat Vs. Utility Welfare Association*, reported in *(2018) 6 SCC 21*.

4. Considering the aforesaid submissions and in the light of law laid down by the Apex Court in the case of *Utility Welfare Association (supra)*, the matter is remitted back to the Bihar Land Tribunal for its reconsideration by proper quorum, which is required to be chaired by the Judicial Member. The order dated 29.01.2020 passed by the Bihar Land Tribunal in B.L.T. Case No.914 of 2016 is quashed and set aside.

5. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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