

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.548 of 2026

1. Ram Bilas Yadav Son of Late Shanichar Yadav,
 2. Mahendra Yadav, Son of Late Parmeshwar Yadav,
 3. Vijay Kumar Yadav, Son of Late Parmeshwar Yadav,
 4. Surendra Prasad, Son of Late Guru Yadav @ Guru Sharan Yadav,
 5. Birendra Prasad, Son of Late Guru Yadav @ Guru Sharan Yadav,
 6. Suresh Yadav, Son of Late Ram Dohin Yadav,
 7. Lalan Yadav, Son of Late Tunnu Yadav,
 8. Sube Yadav, Son of Late Tunnu Yadav,
 9. Ram Sharma Yadav @ Satyandra Yadav, Son of Late Baleshwar Yadav,
 10. Ram Shraya Yadav, Son of Late Baleshwar Yadav, R
 11. Mithilesh Yadav, Son of Late Baleshwar Yadav,
- All are Resident of Village-Kolh, Police Station-Khizarsarai, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya, District-Gaya.
3. The Additional Collector, Gaya, District-Gaya.
4. The Deputy Collector, Land Reforms, Neem Chak Bathani, District-Gaya.
5. The Circle Officer, Khizarsarai, District-Gaya.
6. Kailash Yadav, Son of Late Shiv Nandan Yadav, Resident of Village-Kolh, Police Station-Khizarsarai, District-Gaya.
7. Rajendra Yadav, Son of Late Ramkishun Yadav, Resident of Village-Kolh, Police Station-Khizarsarai, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tejaskar Anand, Advocate Ms. Arpana Kumari, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque, GP 12 Mr. Vasant Vikas, AC to GP 12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-01-2026 Heard Mr. Tejaskar Anand along with Ms. Arpana Kumari, learned counsels appearing on behalf of the petitioners



and Mr. Mujtabaul Haque, learned GP 12 along with Mr. Vasant Vikas, learned AC to GP 12 for the State.

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

“(I) For issuance of writ in the nature of certiorari setting aside the order dated 07-07-2025 passed in BLT Case No.557 of 2023 passed by Sri Ashok Kumar Chauhan, Member (Administrative), the Bihar Land Tribunal, Patna whereby and whereunder he has been pleased to dismiss the application refusing to interfere into any of the impugned order/s passed by any of the Revenue authorities namely the Circle Officer, Khizarsarai, DCLR, Neemchak Bathani and Additional Collector, Gaya.

ii. For issuance of writ of certiorari setting aside the order dated 24-04-2023 passed in Mutation Revision No.10/2015-16 passed by Additional Collector, Gaya whereby and whereunder the Additional Collector, Gaya has been pleased to drop the proceeding in view of the earlier order passed on 28-01-2023 in Jamabandi cancellation Case No.28/15-16 and also for setting aside the order dated 28-01-2023 passed in Jamabandi Cancellation Case No.28/15-16 passed by Additional Collector, Gaya.

iii. For issuance of writ in the nature of mandamus directing the respondents to comply with the order dated 31-03-15 passed in Mutation Appeal Case No.06/2014-15 passed by learned DCLR, Neemchak Bathani, Gaya whereby the order of mutation dated 06-12-12 passed by the learned Circle Officer, Khizarsarai, has already been set aside and for affirming the same by this Hon'ble Court.

iv. For issuance of any other appropriate writ(s) or order(s) or direction(s) which may be deemed fit and proper in the facts and circumstances of the case.”

3. At the outset, learned counsel appearing on behalf of petitioners submitted that the order dated 07.07.2025 passed by the Bihar Land Tribunal in B.L.T. Case No.557 of 2023 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 submission and in light of the 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 07.07.2025 passed by the Bihar Land Tribunal in B.L.T. Case No.557 of 2023 is quashed and set aside.

5. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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