

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13203 of 2019

1. Sunil Kumar Singh alias Sunil Singh S/o Baij Nath Singh Resident of Village Shukha Nagar,P.S. Pratapganj,Dist.Supaul
2. Sanjay Kumar Singh Alias Sanjay Singh S/o Baij Nath Singh Resident of Village Shukha Nagar,P.S. Pratapganj,Dist.Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Land Reforms Department,Govt. of Bihar,Patna
2. The Circle Officer, Pratapganj, Dist.Supaul
3. Bhupendraj Lal Das S/o Sahdeolal Das Resident of Village Parsa Bairwal,P.S. Chhatapur,Dist.Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, G.P. 14

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 19-06-2025

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the private respondent.

2. The present writ petition has been filed for quashing Letter No. 327-2, dated 10.05.2019, issued by the Circle Officer, Pratapganj (Annexure-1), whereby the Circle Officer has cancelled the Jamabandi of the petitioners in respect of the land in question, allegedly in collusion with the private respondent, on the pretext of compliance of the order dated 21.01.2019 passed in CWJC No. 12103 of 2016 (Bhupendra Lal Das v. The State of Bihar & Ors.) by this Hon'ble Court.



3. Learned counsel for the petitioners submits that the petitioners had filed B.L.D.R. Case No. 13 of 2012 before the Court of D.C.L.R., Birpur, which was allowed in their favour on 19.04.2012. Counsel further submits that the private respondent preferred B.L.D.R. Appeal No. 198 of 2012 before the Commissioner, Kosi Division, Saharsa, which was dismissed on 26.12.2014. Being aggrieved and dissatisfied with the order passed in B.L.D.R. Appeal No. 198 of 2012, the private respondent preferred B.L.T. Case No. 106 of 2015, which was disposed of on 10.05.2016 with a direction to decide the question of title through the competent Civil Court.

4. Thereafter, the private respondent filed CWJC No. 12103 of 2016 before this Hon'ble Court against the said order, which was disposed of on 21.01.2019 with specific direction to dispose of the case in light of ***Maheshwar Mandal & Anr. v. The State of Bihar & Ors.***, reported in ***2018 (3) PLJR 1007*** and allowed to the extent that the decision of the Deputy Collector, Land Reforms, on the question of title shall not be treated to be an adjudication on respective right, title and interest of the parties, and directed that the parties shall be free to approach the Civil Court of competent jurisdiction for adjudication of their disputes.



5. Counsel further submits that the petitioners, in compliance with the aforesaid direction, filed Title Suit No. 34 of 2019 before the Court of Sub-Judge, Birpur on 28.03.2019 for declaration of right and title over the land in question. Counsel further submits that during the pendency of the aforesaid Title Suit, the Circle Officer, Pratapganj, in collusion with the private respondent, cancelled the Jamabandi of the petitioners under the pretext of compliance with the order dated 21.01.2019 passed in CWJC No. 12103 of 2016. Counsel also submits that the Circle Officer passed the impugned order without issuing any notice to the petitioners, and as such, the said order has been passed in gross violation of the principles of natural justice. It is further submitted that the proceeding was initiated against the father of the petitioners, who had already died. Counsel further submits that the petitioners have more respect of the order passed by this Hon'ble Court to resolve the dispute through the competent Civil Court. However, instead thereof, the concerned authority has taken a shortcut route by adopting illegal means.

6. It is also submitted that although the notice was issued on 03.04.2019, the mutation order was passed on 10.05.2019 and published vide Letter No. 327-2 dated



10.05.2019. Counsel submits that the said mutation order is in gross violation of the provisions of the Mutation Act, as no such order could have been passed during the pendency of the title suit. Counsel submits that, in any view of the matter, the impugned order is bad in law.

7. Learned counsel for the State submits that by the impugned letter, it transpires that the position prior to the order passed in the B.L.D.R. has been restored. Counsel further submits that this Hon'ble Court, in CWJC No. 12103 of 2016, has categorically held that the writ petition is allowed to the extent that the decision of the Deputy Collector, Land Reforms, on the question of title, shall not be treated to be an adjudication on respective right, title and interest of the parties and then liberty was granted to the parties to approach to the Civil Court of competent jurisdiction for adjudication of their dispute.

8. Counsel further submits that since this Hon'ble Court has been pleased to hold that the application is allowed only in respect of the question of title then the impugned order is correct in law. However, he fairly submits that if a Title Suit is pending, then in such case, Section 6(12) of the Bihar Land Mutation Act, 2011 bars the Circle Officer from carrying out mutation.



9. Learned counsel for the private respondent submits that they are claiming the property in question by virtue of a sale deed. Counsel submits that the said sale deed was executed in the year 1952, and that the petitioners have, by some means, obtained an order from the B.L.D.R. through which correction was made in the Jamabandi.

10. Counsel further submits that the petitioners are playing foul before this Hon'ble Court, as the longstanding Jamabandi in the name of the private respondent was disturbed in the year 2012 by the order passed by the B.L.D.R. It is submitted that the order passed by the D.C.L.R. under the B.L.D.R. Act was challenged before the Commissioner, and the order of the Commissioner was further challenged before the B.L.T. The order passed by the B.L.T. was then challenged before this Hon'ble Court in CWJC No. 12103 of 2016. This Hon'ble Court was pleased to disregard the adjudication made by the D.C.L.R. on the question of title, on the basis of which the name of the petitioners had been inserted in the Jamabandi.

11. Counsel further submits that the Circle Officer has passed the impugned order completely in accordance with law and in full compliance with the directions issued in CWJC No. 12103 of 2016, and there is no illegality in the said order.



Counsel also submits that the petitioners, without availing the alternative remedy, have directly approached this Hon'ble Court.

12. Counsel further submits that the petitioners are not aware whether any Title Suit is pending or not, but they are aware of the fact that this Hon'ble Court has been pleased to decide the writ petition by holding that the D.C.L.R. is not competent for adjudication of the property in question. According to him, when the D.C.L.R. had no authority or jurisdiction to adjudicate the matter, then the situation prior to the decision of the B.L.T. ought to be restored, and the Circle Officer has basically restored the said order, and therefore, the writ petition is fit to be dismissed.

13. After hearing the parties, it transpires to this Court that Title Suit No. 34 of 2019 is pending before the Sub-Judge, Birpur, i.e., the Court of competent jurisdiction. In the said title suit, admission has been made and notices were directed to be issued vide order dated 03.04.2019, whereas the Circle Officer proceeded to pass an order on 10.05.2019, changing the Jamabandi and passed order on mutation.

14. Section 6(12) of the Bihar Land Mutation Act, 2011 clearly is very much clear on this issue that when a title



suit is pending with respect to the property in dispute, the Circle Officer shall not pass any order regarding mutation.

15. It further transpires to this Court that the Hon'ble High Court, in CWJC No. 12103 of 2016, has pleased to show his concern on the question of title adjudicated by the D.C.L.R., but did not give any finding on the question of possession.

16. This Court is of the firm view that the property in dispute must be preserved in its existing condition, and no third-party rights shall be created either by the petitioners or by the respondent.

17. It is due to this reason, without recording any finding on the question of possession, this Court hereby directs that neither the petitioners nor the private respondent shall create any third-party rights in respect of the property in question, namely, Khata No. 129, Khesra Nos. 1670, 1627, 1669, 1700, and 1696, situated at Mauja Sukhanagar.

18. The Circle Officer, Pratapganj, District–Supaul, is directed not to take any further action in the matter until Title Suit No. 34 of 2019 attains finality. It is made clear that the impugned order, i.e., Letter No. 327-2 dated 10.05.2019, passed by the Circle Officer, shall remain stayed until the final



adjudication of the dispute in Title Suit No. 34 of 2019. Both parties are directed to appear before the Civil Court for final adjudication of the dispute.

19. With this direction the writ petition stands disposed off.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	24.06.2025
Transmission Date	NA

