



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20990 of 2021**

Ramswarup Sharma Son of Late Sukhdev Sharma Resident of Sukharghat,  
Ward No.7, Shiv Mandir, P.S.-Rafwara, District-Madhepura, 852210.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of revenue and Land Reforms, Government of Bihar Old Secretariat, Bailey Road, Patna-800015.
2. The Additional Collector, District-Bhagalpur.
3. The Deputy Collector Land Reforms, Naugachia, District-Bhagalpur.
4. The Circle Officer, Circle-Narayanpur P.S.-Bihpur, District-Bhagalpur.
5. Jagat Pati Jha Son of Bachas Pati Jha Resident of Village-Bhramarpur, P.S.-Bihpur, District-Bhagalpur, Presently residing at 29-1 Rajan Wood Apartment, Third Main Sultan Palya, R.T. nagar, Bengaluru Karnataka, Pin-560032.
6. Lalitha Jha Widow of Late Sanjeev Kumar Jha Resident of Village-Bhramarpur, P.S.-Bihpur, District-Bhagalpur, Presently residing at Mohalla-Adampur Kali gati Lane, Adampur Ghat, P.S.-Adampur, District-Bhagalpur-812001
7. Rajmani Jha Son of Late Sanjeev Kumar Jha Resident of Village-Bhramarpur, P.S.-Bihpur, District-Bhagalpur, Presently residing at Mohalla-Adampur Kali gati Lane, Adampur Ghat, P.S.-Adampur, District-Bhagalpur-812001

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate  
For the Respondent/s : Mr. Rishi Raj Sinha ( SC-19 )

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      20-01-2026                      Heard Mr. Sunil Kumar Singh, learned counsel  
appearing on behalf of the petitioner and Mr. Rishi Raj Sinha,  
learned SC-19 for the State.

2. The petitioner in paragraph no. 1 of the present writ  
petition has sought *inter alia* following relief(s), which is  
reproduced hereinafter:





*"For issuance of writ of certiorari or mandamus or any other writ/writs, order/ direction for setting aside the following order:*

*(A) Order passed by the Circle Officer Narayanpur dated 28.12.2017 passed in Mutation Case No. 513/2017-18.*

*(B) Order passed by the Circle Officer Narayanpur dated 16.02.2018 passed in Mutation Case No. 731/2017-18.*

*(C) Order passed by the Circle Officer Narayanpur dated 25.06.2018 passed in Mutation Case No. 101/2018-19.*

*(D) Order passed by the Hon'ble Bihar Land Tribunal, Patna dated 3.11.2021, passed in B.L.T. Case No. 165 of 2021."*

3. At the outset, learned counsel appearing on behalf of petitioner submitted that the order dated 03.11.2021 passed by the Bihar Land Tribunal in B.L.T. Case No.165/2021 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 03.11.2021 passed by the Bihar Land Tribunal in B.L.T. Case No.165/2021 is quashed and set aside.





5. Accordingly, the present application stands  
disposed of.

**(Purnendu Singh, J)**

Niraj/-

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