

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.315 of 2015

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1. Bhola Yadav son of Late Tilak Yadav Resident of Mohalla - Baigna, Ward No. 24, Katihar, P.S. AND District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue AND Survey, Department Govt. of Bihar, Patna
2. The District Magistrate, Katihar
3. The Additional Collector, Katihar
4. The Deputy Collector Land Reforms, Katihar
5. The Circle officer, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Nandan

For the Respondent/s : Mr. SC6- MANINDRA KISHORE SINGH

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 04-02-2015

Heard Mr. Neeraj Nandan for the petitioner and A.C. to S.C. 6 for the State.

Admittedly, the name of the vendor of the petitioner did not appear in the Municipal Survey Khatian. The application filed by the petitioner for mutation was denied on the ground that the Municipal Survey entry requires to be first corrected for which appropriate proceeding require to be filed before the Authority under the relevant Act and/or the Court of competent jurisdiction. The said order has been affirmed in appeal and revision. The petitioner challenges those orders in the present writ proceeding.

If the name of the vendor of the petitioner is not entered

in the relevant M.S. Khatiyan, the Authority cannot be said to be unjustified in rejecting the prayer of the petitioner. Until the Municipal Survey Khatiyan is corrected, the request for mutation of the name of the petitioner on the basis of sale effected by the vendor who is not recorded as such, cannot be allowed. Precisely, this is the reason assigned in the order. This Court does not find any patent illegality in the consideration of the matter by the Authorities under the impugned order(s). It will be open to the petitioner to seek correction in the Municipal/Survey entry.

The application is dismissed.

(Kishore Kumar Mandal, J)

Pankaj/-

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