

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7574 of 2014

=====

Mahendra Yadav, S/O Late Ram Kishun Yadav, resident of Village- Bari
Balua, P.S.- Balua, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Patna
2. The Principal Secretary, Land Reform, Government of Bihar, Patna
3. The District Magistrate, Begusarai
4. The Sub-Divisional Officer, Begusarai
5. The Circle Officer, Anchal Begusarai, District Begusarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey

For the Respondent/s : Mr. AC to SC 23

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-08-2016

The petitioner has filed the present writ petition for the reliefs enumerated in paragraph 1 of the writ petition, which reads as follows:

“That this petition is filed for issuance of writ/writs, order/orders and direction/directions to the respondent authority in the nature of mandamus/certiorari for issuance of rent receipt to the petitioner’s land of Khata No. 622, Khesra 1932, Area about 3 Bighas and one Bigha of Mauza Kasmaut which was settled in the name of the father of the petitioner by way of Hukumnama dated 05.01.1940 by the ex-land lord, namely, Baba Ayodhya Prasad Singh S/o Sri Mod Narayan Singh on the Basis of yearly rent.”

Apparently, for grant of appropriate relief and for mutation of the name of the petitioner with respect to the lands in question, the petitioner has not approached the prescribed authority under the provisions of The Bihar Land Mutation Act, 2011 (in short, “the Act, 2011”) and he has straight away approached this Court in the present proceeding for issuance of direction to the respondents for accepting the rent from him.

The scheme of the Act, 2011 is that if some one is claiming his possession over a parcel of land, then such person is required to file a petition before the concerned Anchal Adhikari under Section 3 of the Act, 2011 for such recognition and for mutation of his name with respect to the land so claimed by him and only thereafter rent can be accepted by the State authority. Admittedly, the petitioner has not filed any such petition before the prescribed authority.

In the above factual background, the present writ petition is completely misconceived and is, accordingly, dismissed. However, the petitioner, if so advised, shall be at liberty to approach the prescribed authority under the provisions of the Act, 2011 or under any other appropriate law for grant of appropriate relief with respect to the lands in question.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--