

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15070 of 2014**

**With**  
**Interlocutory Application No. 2076 of 2016**

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Sant Lal Son of Late Babu Lal Paswan resident of village/Mohalla- Marchi,  
P.S.- Baipass, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of  
Land Reform, Government of Bihar, Patna
2. The Principal Secretary, Department of Land Reform, Government  
of Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Patna
5. The Additional Collector, Patna
6. The Deputy Collector Land Reform, Patna
7. The Circle Officer, Patna Sadar, Patna
8. The Halka Karamchari, Kowa Khoh, Patna City, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None  
For the Respondent/s : Mr. Anirban Kundu, SC 24  
For the Intervenors : Mr. Satya Ranjan Singh, Advocate  
Mr. Binay Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      06-09-2016                      The petitioner has filed the present writ petition seeking a direction to the respondent Circle Officer, Sadar, Patna to issue rent receipt in favour of the petitioner for the lands in question, detailed in paragraph 1 of the writ petition.

The learned SC 24, appearing on behalf of the respondents, submits that the present writ petition at this stage is premature and not maintainable. According to him, unless and until the lands in question is mutated in favour of the petitioner under the provisions of The Bihar Land Mutation Act, 2011 (in short “the Act,2011”), the rent receipt cannot be issued in favour of the petitioner.

From the averments made in the writ petition it does

not appear that the petitioner has filed any appropriate petition before the respondent Circle Officer, Patna Sadar, Patna under the provisions of the Act, 2011; rather he has straight away approached this Court in the present proceeding filed under Article 226 of the Constitution of India seeking a direction for issuance of rent receipt in his favour. The learned counsel appearing on behalf of the intervenors, on the other hand, submits that the lands in question is “Gairmazarua Aam land” and does not belong to the petitioner.

In above view of the matter, the present writ petition at this stage is completely misconceived and premature. Furthermore, the claims raised on behalf of the petitioner with respect to the lands in question is based on disputed question of facts. Therefore, the writ petition is dismissed, but without costs.

However, this order shall not come in the way of the petitioner in filing an appropriate petition under the provisions of the Act, 2011 before the respondent Anchal Adhikari, and if such a petition is filed, the same shall be considered and decided strictly in accordance with law, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioner as also the applicants of I.A.No. 2076 of 2016, who have filed the aforesaid Interlocutory Application seeking permission of this Court to intervene in the present writ petition and resist the claim raised on behalf of the petitioner. I.A.No. 2076 of 2016 also stands, accordingly, disposed of.

**(Birendra Prasad Verma, J)**

Tahir/-

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