

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1850 of 2016**

**In**  
**Civil Writ Jurisdiction Case No.18979 of 2008**

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Dr. Vijay Kumar Son of Late Ramchandra Prasad Resident of Mohalla-  
Station Road Gali, P.S.- Khusrupur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Collector, Patna
3. The Deputy Collector, Land Reforms, Patna.
4. The Circle Officer, Fatuha, District- Patna.
5. Sant Prasad Son of Late Mahendra Prasad Resident of Village- Khusrupur, P.O. & P.S.- Khusrupur, District- Patna.
6. Devendra Prasad Swarnkar S/o Late Laxmi Sao Swarnkar resident of Village- Saffipur at present residing at Arya Samaj Road, Khusrupur (Jewellery Shop), P.O. & P.S.- Khusrupur, District- Patna.
7. Surendra Choudhary Son of Late Dwarika Choudhary
8. Ramdeo Choudhary Son of Late Soukhilal Choudhary
9. Mosmat Jhujhan Devi Wife of Late Shital Choudhary Respondent No.7 to 9 are resident of Village- Rukanpura, P.S.- Bakhtiyarpur, District- Patna at present residing at Mohalla- Ratu Road, Ranchi, P.S.- Sukhdeo Nagar, District- Ranchi (Jharkhand).
10. Ramnandan Prasad
11. Naresh Prasad
12. Ashok Kumar
13. Arvind Kumar & Munna Kumar
14. Dilip Kumar Respondent nos. 10 to 14 are sons of Late Debrat Prasad
15. Smt. Mina Devi Wife of Sri Kamleshwar Prasad
16. Smt. Tunni Devi Wife of Sri Ramanand Prasad
17. Smt. Nilam Devi Wife of Ajay Prasad
18. Smt. Munni Devi Wife of Mahendra Prasad
19. Smt. Geeta Devi Wife of Mahendra Prasad
20. Smt. Sangeeta Devi Wife of Sunil Kumar, Respondent nos. 15 to 20 are married daughters of Late Debrat Prasad All are resident of Village- Khusrupur, P.O. & P.S.- Khusrupur, District- Patna.

... .. Respondent/s

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**Appearance :**

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|-----------------------|---|--------------------------------------------|
| For the Appellant/s   | : | Mr Suraj Narayan Yadav<br>Mr. Umesh Prasad |
| For the State         | : | Mr. Shankar Kumar, AC to AAG 7             |
| For Respondent No.5   | : | Mr Vijay Anand<br>Mr DhananjayNath Tiwari  |
| For Respondent No.6   | : | Mr Manoj Kumar Sinha                       |
| For Respondent No. 10 | : | Mr Dilip Kumar Sinha                       |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI  
and  
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT  
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date : 12-02-2018**

Heard counsel for the parties.

Writ application of the appellant has been dismissed by the learned Single Judge vide order dated 22.08.2016. The reason for doing so was the concurrent finding of facts in a matter relating to mutation by the Circle Officer, Fatuha, which is order dated 31.07.1993, as well as the order passed by the learned DCLR, Patna City, dated 30.12.1993, in appeal. It is a rather detailed considered order and the revision preferred by the appellant along with one Deobrat Prasad having been dismissed on 13.12.2007. In this background and keeping in mind that the Circle Officer in his order way back had recorded his opinion that this is a matter of right, title and interest for which only a declaration from civil court of competent jurisdiction can help to beget the present appellant the right for mutation, if he is looking for one.

This Court also does not find any infirmity with all the orders, which have been passed against the appellant by the revenue authorities, and, therefore, the appellant has no shortcut but to approach a civil court of competent jurisdiction for a



declaration. At this juncture, no interference is required to be made with the order of the learned Single Judge because we do not find any infirmity in the same.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

( Nilu Agrawal, J)

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 12.02.2018 |
| Transmission Date | NA         |

