

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10547 of 2016

=====

Murari Prasad, S/o- Janaki Yadav, R/o Erki Tola, Madarpur, P.S.- Jehanabad,
District-Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Bihar, Patna
3. The District Magistrate, Jehanabad
4. The Additional Collector, Jehanabad
5. The Circle Officer, Jehanabad

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Nasrul Hoda Khan- Sc18

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner filed this writ petition for the following
reliefs:

(I) For issuance of an appropriate writ/s, order/s, direction/s to
the respondent no.5 to mutate the name of the petitioner's father
in Khata No.197, Plot No.910 and 911, Khata No.213, Plot
No.703, Tauzi No.6670, Plot No.1250 in Mauza Erki tola,
Horilganj, Malahchak and Madarpur respectively which is in
name of Janaki Yadav.

(ii) For issuance of an appropriate writ/s, order/s, direction/s to
the respondent to issue rent receipt to the petitioner after
creating jamabandi in the name of father of the petitioner and



enter his name in Register II.

(iii) To pass such other order/orders as your Lordship may deem fit and proper in the facts and circumstances of this case.

Learned counsel for the petitioner submits that Janaki Yadav, the father of the petitioner is the owner of Khata No.197 Plot No.910 and 911 who purchased the land by registered sale deed from Saryu Chaudhary. The father of the petitioner also purchased the land of Khata No.213 Plot No.703 from Satish Chandra Prasad on 10.01.1986 and also got land of Plot No.1250 measuring 3 acres 5 decimals from ex-landlord through the Hukumnama. When the father of the petitioner filed petition before the authority for mutation of the land and issuance of rent receipt, the authority sat over the matter and did not pass any order on the petition of the petitioner for mutating the lands in the name of the father of the petitioner. The father of the petitioner filed Title Suit No.184 of 1989/84 of 1992 in the Court of Addl. Munsif, Jehanabad for declaration of title. The suit was decreed on 04.05.2006. The State of Bihar filed title appeal in the Court of learned District Judge, Jehanabad being Title Appeal No.27 of 2014 but the same was also dismissed. The State of Bihar also preferred Second Appeal No.262 of 2015 against the judgment and decree passed in Title



Suit No.184 of 1989/84 of 1992 and Title Appeal No.27 of 2014. The petitioner presented all the petitions before the C.O. for mutation but the C.O., who is the competent authority to pass order on the petition of the petitioner for getting the land mutated in his name, did not pass any order on the petition of the petitioner.

According to Mutation Act, 2011 or prior to that, C.O. is the competent authority to pass order on the petition of a person for mutation of the name on the basis of document showing transfer of land in his name. If the petitioner filed the petition for mutation before the C.O. for mutating his name on the basis of the sale deed as well as on the basis of the judgment and decree passed by the competent Civil Court declaring the title and possession of the petitioner, the C.O. cannot sit over the matter for indefinite period and if he does so, the C.O. fails to discharge his statutory duty.

In this view of the fact, I direct the C.O., Jehanabad, respondent No.5 to pass order on the petition of Janaki Yadav, father of the petitioner for mutation of his land with regard to the land purchased by him or settled in favour of him by the ex-landlord and with regard to which the competent Civil Court has already decided the title and possession of the petitioner and this



Court also confirmed the finding of the judgment and decree passed by the Addl. Munsif passed in Title Suit No.184 of 1989/84 of 1992.

With the aforesaid direction, the C.O., Jehanabad is directed to pass order on the petition of the petitioner within four months from the date of receipt of this order. Accordingly, this writ petition is allowed with the aforesaid direction.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

