

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.293 of 2017

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Ruby Devi Wife of Rais Singh Resident of Village- Baigwan, P.S. Bikram,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Biharsharif, Nalanda.
2. The Additional Collector, Patna.
3. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
4. The Circle Officer, Sampatchak, District- Patna.
5. Mahendra Singh
6. Ramesh Singh @ Ramesh Prasad Singh Both Sons of late Jagnarayan Sinha.
7. Pintu Kumar, Son of late Surendra Singh All are Resident of Village-
Saidanichak, P.S. Phulwarisharif, District- Patna.
8. Ramjee Singh
9. Mithilesh Singh @ Mittal Singh Both Sons of Ram Das Singh and Both are
Resident of Mohalla- Purenderpur, Deo Kunwar Bhawan, Near Golcha
Factory, P.O. G.P.O, P.S. Jakkanpur and District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha
For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 30-08-2018

Heard both sides.

2. The petitioner has filed this writ petition for setting
aside the order dated 28.07.2016, passed by the Additional
Collector, Patna in Mutation Revision Case No.46 of 2014-15,
Annexure-3 and the order dated 14.08.2014, passed by the Deputy
Collector Land Reforms, Patna in Mutation Appeal No.30 of 2013-
14.

3. The petitioner purchased the land of Plot No.140, area
0.44 decimals from the descendants of Mukundi Paswan and filed



petition being Mutation Case No.1363/1 of 2012-13 before the Circle Officer, Sampatchak. The Circle Officer mutated the name of the petitioner with regard to land of Plot No.140, Khata No.24, area 0.44 decimals. The respondents no.5 to 9 filed appeal before the D.C.L.R. being Mutation Appeal No.30 of 2013-14. The D.C.L.R. found that the aforesaid land was earlier transferred by Ram Das Singh in favour of the respondents and *Jamabandi* was created in their names. The D.C.L.R. held that the *Jamabandi* 29/1, 37/1 and 31/1 was created in the year 1991, 1992 and 1993 in favour of Surendra Prasad Singh, Mahendra Prasad Singh and Ramesh Prasad Singh. The D.C.L.R. without cancelling the aforesaid *Jamabandi* illegally mutated the name of the petitioner and accordingly, set aside the order of the Circle Officer. The Additional Collector confirmed the order of the D.C.L.R.

4. The learned counsel for the petitioner submits that the petitioner purchased the land from the descendants of Mukundi Paswan and the respondents would not be able to show any paper with regard to transfer of land from Ram Das Singh but this fact is admitted that the *Jamabandi* with regard to land was standing in the name of Surendra Prasad Singh, Mahendra Prasad Singh and Ramesh Prasad Singh. The Circle Officer without recommending for cancelling the aforesaid *Jamabandi*, mutated the name of the



petitioner and on this ground the D.C.L.R. as well as the Additional Collector set aside the order of the Circle Officer, therefore, I find no illegality in the order.

5. Accordingly, this writ petition is dismissed being devoid of merit with liberty to the petitioner to take resort before the appropriate authority for cancellation of *Jamabandi* standing in the name of the respondents under Section 9 of the Mutation Act, 2011.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2018
Transmission Date	NA

