

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3327 of 2019

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1. Suman Kumar, son of Sri Lalan Prasad Singh resident of Jalalpur, P.S. Rupaspur, District- Patna.
 2. Renu Sinha, wife of Prabhat Kumar Sinha, resident of B-50, Buddha Colony, P.S. Buddha Colony, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Patna.
2. The Collector, Patna, Bihar.
3. The Circle Officer, Danapur, Bihar
4. Kamlesh Sharma, son of Late Shatrughan Sharma, resident of Pali, P.O. and P.S. Naubatpur, District- Patna.
5. Md. Ezzaz Mallik, son of Late Burhan Mallik, resident of Village Samanpura, P.S. Shastrinagar, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Shama Sinha
For the Respondent/s : Mr. Akhilesh Kumar Sinha, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-02-2019 Heard learned Counsel for the parties concerned.

The petitioners are assailing an order, dated 20.02.2018, passed, by the Circle Officer, Danapur, in Mutation Case No. 4447 of 2017-18, whereby certain piece of land has been mutated in the name of respondent nos. 4 and 5.

It is the case of the petitioners that the area of land mutated by the impugned order is 1.15.625 acre, which is total area under Khata No. 72. Out of the same plot, the petitioners have purchased a piece of land admeasuring 0.37.5 acres (12 kathas) of Khata No. 72, Khesra No. 1806. Based on the said purchase made by the petitioners, in a mutation case, the Circle



Officer, Danapur, by two separate orders, dated 19.02.2018, has already directed for mutation in respect of the said portion of land in favour of the petitioners.

Be that as it may, indisputably the petitioners have remedy of appeal against the order of the Circle Officer, Danapur, before the Deputy Collector Land Reforms, under Section 7 of the Bihar Land Mutation Act, 2011 (in short, 'the Act'), which the petitioner should have availed.

An application, under the said Section 7 of the Act, is to be filed within a period of 30 days from the date of the order appealed against. The appellate authority has, however, been empowered to condone the delay if he is satisfied that there are sufficient reasons for the delay.

Since the petitioners have been pursuing their remedy before this Court by filing the present writ application, the Court expects that any application for condonation of delay shall be considered by the appellate authority liberally, if the appeal is filed within a period of four weeks from today.

Sub-Section (4) of Section 7 of the Act prescribes time limit for disposal of appeal within 30 working days from the date of filing of the mutation appeal. The Court expects that the appellate authority shall adhere to the said statutory



requirement of disposal within prescribed time.

The petitioners shall be at liberty to raise the issue that before passing of the impugned order, the Circle Officer, Danapur, did not issue notices to these petitioners.

This writ application stands disposed of accordingly, with liberty to the petitioners to prefer statutory appeal in view of the observations recorded above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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