

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6997 of 2019

Vinay Kumar Singh, Son of Late Harnath Singh, Resident of Village - Teruan,
P.O. Faijullahpur, P.S. Baikunthpur, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna
3. The District Magistrate, Gopalganj, District-Gopalganj, Bihar
4. The Deputy Collector Land Reforms, Gopalganj, District-Gopalganj, Bihar
5. The Circle Officer, Baikunthpur, District Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh
For the Respondent/s : Mr. Rakesh Ranjan, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-04-2019 Though, this matter has been listed with certain office notes, pointing out defects in filing writ application, keeping in mind the nature of defects as pointed out by the Stamp Reporter and the nature of relief which the petitioner is seeking, this application is being disposed of at this stage itself, ignoring the defects, so pointed out.

The petitioner has a grievance against the respondents for not mutating the lands in his name, description of which has been given in paragraph 1 of the writ application.



My attention has been drawn to a copy of the application filed by the petitioner before Circle Officer, Baikunthpur, in the district of Gopalganj, making request for mutation and creation of Jamabandi. The said application is said to have been filed on 12.12.2018, but it is not apparent as to whether the said application has been duly received by the Circle Officer or not.

The Bihar Land Mutation Act, 2011 (in short, 'the Act'), has been enacted laying down the procedure for mutation of land. Rules have been framed under the Act, namely Bihar Land Mutation Rules, 2012. Rule 3 of the Rules prescribe the process for filing Mutation Petition, which reads thus:-

"(3) Mutation petitions will be received through two sources. Anchals notified for Online Mutation, mutation petitions will be received only through online and in those Anchals, which are not notified for Online Mutation, mutation petitions will be accepted on the RTPS Counter or in the Revenue Camp. On receipt of mutation petition either in the office or in the Revenue camp, the circle officer shall grant a receipt in "Form-IV" to the petitioner as an acknowledgement. Apart from these, on receipt of Registered Deeds online from Registration Offices, concerned Circle Officer will take suo-motu cognizance and start mutation record in maximum three working days and take steps for



their disposal."

Sub Rule (3) of Rule 3 of the Rules mandates that on receipt of mutation petition, either in the office or in the camps, the Circle Officer shall grant a receipt in Form IV to the applicant as an acknowledgment whereas sub Rule (4) thereof mandates that the Circle Officer shall cause such mutation petition, to be registered in order of their receipt, in the mutation petition register, which will be maintained in the Circle Office in Form V.

It does not appear from the pleadings on record that the petitioner's application seeking mutation is in accordance with the statutory rules as indicated above.

Learned Counsel for the petitioner has submitted that the Circle Officer, Baikunthpur, does not grant any receipt in acknowledgment of receipt of petitioner for mutation.

This submission cannot be accepted in the nature of pleadings available on record. The petitioner's application for mutation, which has been brought on record by way of Annexure 4 to the writ application, is apparently not in tune with the requirements under the Rules.

This application is, accordingly, disposed of with a liberty to the petitioner to approach competent authority in



accordance with the provisions under Bihar Land Mutation Act,
2011, and rules framed thereunder.

(Chakradhari Sharan Singh, J.)

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