

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20749 of 2019

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Vijendra Mukhiya S/o Late Laxman Mukhiya Resident of Village- Bishanpur,
P.S. Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhepura.
2. The District Magistrate, Madhepura.
3. The Circle Officer Uda- Kishunganj Circle, District- Madhepura.
4. Bihar Bhudan Yuge Committee, Bihar, Patna.
5. The Secretary District Bhoodan Yogna Committee, Madhepura through the Secretary.
6. Ravi Shankar Kumar S/o Dr. Laxmi Narayan Mehta representing the Late Anup Lal Mehta, resident of Village- Bihariganj, P.S. Bihariganj, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Singh
For the Respondent/s	:	Mr.Raj Kishore Roy (GP18)
For the Bhoodan Yagya Committee:		Ms. Alka Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-10-2019 Heard both sides.

The petitioner filed this writ petition for a direction to the respondent Nos.2 and 3- the District Magistrate, Madhepura and the Circle Officer, Udakishunganj, District-Madhepura for mutating the name of the petitioner with regard to the land donated to the petitioner by Bhoodan Yagya Committee.

Learned counsel for the petitioner submits that the petitioner filed petition before the Circle Officer for mutating his name but the Circle Officer refused to pass any order on the ground that the grandson of the original landlord-respondent



No.6 filed C.W.J.C. No.18911 of 2017 against the genuity of donation given by his grandfather and disclosed that his grandfather never donated any land in favour of the Bhoodan Yagya Committee. It is submitted that Circle Officer cannot refuse to pass any order on the petition of the petitioner for mutation of his name on the basis of the donation but Section 6(12) of the Bihar Land Mutation Act, 2011 says that mutation of a holding or a part thereof shall not be allowed in a case in which title suit with regard to the holding or a part is pending before the competent court. The grandson of the original landlord disputed the genuineness of the gift deed to the Bhoodan Yagya Committee and, therefore, I find that the Circle Officer has rightly refused to mutate the name of the petitioner with regard to the land said to have been allotted to the petitioner by the Bhoodan Yagya Committee till the disposal of C.W.J.C. No.18911 of 2017.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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