

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24630 of 2019

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Khurshid Ahmad, male, aged about 80 years, Son of late Md. Saadat Hussain,
Resident of Village- Salempur, Police Station- Jagdishpur, District-
Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Deputy Collector, Land Reforms, Bhagalpur.
5. The Anchaladhikari, Nathnagar Anchal, District- Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25 with Ms. Prakritita Sharma, AC to SC 25

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 10-12-2019

Heard learned counsel for the petitioner and learned SC
25 for the State.

2. The petitioner has moved the Court for the following
reliefs:-

*“That, this writ application is being filed for the
grant of writ of mandamus to the Respondents
concerned for the mutation of the name of the
petitioner in Nathnagar Anchal, District- Bhagalpur
with cost and cost of litigation with respect to 0.26
decimals of land containing few mango trees situated
at Mauza- Kelapur, popularly known as Mauza
Dhawakajrali, Thana No. 400, Anchal/ P.S.*



Nathnagar, District- Bhagalpur with respect to Khata No. 49 old /115 (new), plot no. 94(old)/117 (new). ”

3. The petitioner is aggrieved by inaction on the part of the authority in mutating the land in question in his favour despite him having a decree with regard to title over the said land in terms of the judgment passed by the Sub Judge VI, Bhagalpur in Title Suit No. 245 of 2011 dated 19.05.2016.

4. It was submitted that the land was claimed by the State on account of wrong survey entry, but the judgment has held that the petitioner has indefeasible right, title and interest over the land. It was submitted that after the said judgment when the petitioner applied before the respondent no. 5 for opening of *jamabandi* by effecting mutation in his favour in the revenue records, the authorities are still sitting over the matter for no valid reason. It was submitted that the judgment and decree of the Court below has attained finality as there is no challenge pending to the same.

5. Learned counsel for the State fairly submitted that if what has been stated by learned counsel for the petitioner is correct, direction may be issued to the concerned authority to pass necessary orders on the request of the petitioner for mutation of the land in question.



6. In view thereof, the writ petition stands disposed off with direction to the respondent no. 5 to ensure that a final decision with regard to the request of the petitioner relating to mutation of the land in question in his favour is taken and appropriate orders passed within one month from the date of production of a copy of this order before him. The Court would only observe that the authorities are required to go on the merits of the claim of the petitioner, especially in light of the decree in his favour in the title suit.

(Ahsanuddin Amanullah, J)

Vikash/Ranjit

AFR/NAFR	
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