

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 369 of 2020

Subodh Kumar Bhagat, aged about 64 Years (Male) Son of Late Jagdish Prasad Bhagat @ Jagdish Prasad resident of Station Road Sonali, Police Station- Kadwa, District- Katihar power Attorney Holder of Sri Ram Chandra Ray, Son of Late Sudhir Chandra Ray, resident of R/3, Cluster 8, Purbachal Salt Lake City, Police Station- Salt Lake, Kolkata- 700097 (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar.
2. The District Magistrate, Katihar.
3. The Additional Collector, Katihar.
4. The Deputy Collector Land Reforms, Barsoi, District- Katihar.
5. The Circle Officer, Kadwa, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J P Singh, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25
		Ms. Prakritita Sharma, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-01-2020

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

2. The petitioner has moved the Court for the following
relief:

“That this is an application for issuance of an appropriate writ/writs directing the respondents to create Zamabandi by mutating the name of the petitioner in the Revenue Record (Register-II) pursuant to the Appellate order passed by the Deputy Collector Land Reforms, Barsoi on 7.2.2018 in Mutation Appeal No. 1 of 2015-16 and or to grant any other relief or reliefs for which



petitioner is legally entitled in the facts and circumstances of the case.”

3. At the very outset, the Court would like to record that the petitioner has tried to play smart with the Court. He is the Power of Attorney Holder for land belonging to Ram Chandra Roy. With regard to the same, there were proceedings initiated before the Revenue authorities, basically for mutation. The petitioner claims to be the Power of Attorney Holder for such land being authorized to deal with all proceedings filed in the name of the Principal i.e., Ram Chandra Roy. However, in the entire pleadings, the petitioner has prayed for the mutation by the authorities in his name. He further claims to be the person who had filed petition for mutation of the land in question. This is a patently incorrect stand as there cannot be any question of there being any mutation in the name of the petitioner as he is a mere Power of Attorney Holder only to proceed in the matter relating to such property before the concerned authorities but in the name and on behalf of Ram Chandra Roy. The Court, thus, finds that the petitioner has misled the Court. Moreover, from the pleadings, the Court finds that for the title of Ram Chandra Roy on the lands which form part of the Power of Attorney, only with regard to 9 decimals out of 97 decimals, there is a decree that too, in favour of Ram Chandra Roy and three others and not alone in the name of



Ram Chandra Roy. With regard to other lands, there is nothing on record to show as to how such land belongs to Ram Chandra Roy. Thus, the Court finds that no cogent or believable material is available with the petitioner to indicate that the lands in question should be mutated in the name of the petitioner. Even otherwise, it was only Ram Chandra Roy, who would have been entitled to mutation of the lands in question in his name, if at all, he is able to show that the lands belonged to him, which from the materials on record, the Court does not find to be fully explained.

4. Thus, if the claim of the petitioner is for mutation in his name, the same is fit to be outrightly rejected. Even with regard to the claim of Ram Chandra Roy, for mutation of land in question in his name, the authorities, on the basis of materials which are on record cannot be said to be behaving arbitrarily for the reason that this Court has also found that there is nothing tangible or reliable in the eyes of law to base such claim seeking mutation.

5. Before the authorities, in view of the materials brought on record in the present application, no clear-cut proof of ownership of the land in question in favour of Ram Chandra Roy, much less the petitioner, being available, rightly the authorities



have not mutated the lands in question in favour of the said persons.

6. The Court categorically finds that even with regard to the claim of Ram Chandra Roy on the lands in question, for reasons discussed above, as no clear-cut proof of the lands to be the sole property of Ram Chandra Roy having been demonstrated, based on the same, law may not permit the authorities to mutate the name of Ram Chandra Roy with regard to the aforesaid lands in the Revenue records.

7. Thus, even the orders, which may have been passed in favour of the petitioner by some of the Revenue authorities, the same, for the reasons aforesaid, cannot be said to be in accordance with law and the Court would not direct for the same.

8. For reasons aforesaid, the application stands dismissed

(Ahsanuddin Amanullah, J.)

P. Kumar

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