

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 595 of 2020

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Shyam Saw, Male, aged about 44 years, Son of Gajadhar Sao, Resident of Village- Vihta, P.S.- Lakhisarai, Vihta, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector cum District Magistrate, Lakhisarai.
3. The Additional Collector, Lakhisarai.
4. The Sub Divisional Officer, Lakhisarai.
5. The Deputy Collector, Land Reforms, Lakhisarai.
6. The Circle Officer, Lakhisarai.
7. The Circle Inspector, Lakhisarai.
8. Abhishek Gunjan, Son of Late Jaydeo Prasad Resident of Village + P.O.- Rehua, P.S. + District- Lakhisarai, at present Mauza- L346 Shahpur, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Mr. Rabi Bhushan and Ms. Rakhi Kumari, Advocates
For the State	:	Mr. Rakesh Kumar Shrivastava, AC to GP 15

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

ORAL JUDGMENT

Date : 17-01-2020

Heard learned counsel for the petitioner and learned AC to GP 15 for the State.

2. Learned counsel for the petitioner is permitted to make necessary correction with regard to the number of khata in the writ application. Let the same be done during the course of the day.



3. The petitioner has moved the Court for the following reliefs:

“i. To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the order dated 27.11.2019 passed by the Circle Officer, Lakhisarai mutation Case No. 1867 R27/2019-2020 whereby and whereunder he has wrongly and illegally rejected the claim of the petitioner and other purchasers for mutating their name with respect to a land measuring acre 59 dec. situated in village-Gangata, P.S. and District Lakhisarai appertaining to Khata no. 99, Khesra No. 483 on the ground that the petitioner is not in the physical possession over the land in question.

ii. To direct the Circle Officer, Lakhisarai to mutate the land in question in favour of the petitioner and other purchasers who have jointly purchased the land in question through a registered deed of sale executed in his favour by his vender hereinafter referred to as private respondent.

iii. To direct the respondent no. 1, the Principal Secretary Department of revenue and Land Reforms Bihar Patna to start disciplinary proceedings against both the Circle Officer and Circle Inspector Lakhisarai who have deliberately and knowingly did not mutate the land in favour of the petitioner and other purchase the basis of wrong report that the petitioner is not in possession over the land in question.

iv. To direct the respondent no. 1 also to take appropriate legal action against the respondent no. 6 and 7 who are demanding illegal gratification from the petitioner and other purchasers with respect to land in question.

v. To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”



4. At the very outset, learned counsel for the State submitted that there is provision of appeal under Rule 11 of the Bihar Land Mutation Rules, 2012.

5. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to file such appeal. However, it was pointed out that the time limit of 30 days fixed for filing such appeal has already crossed.

6. Having considered the matter, the writ petition stands disposed off with liberty to the petitioner to file appeal under the aforesaid statutory provision. If such an appeal is filed within three weeks from today before the Land Reforms Deputy Collector (respondent no. 5), the same shall be considered on merits, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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