

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25725 of 2019

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Ajay Mandal, aged about 33 years, Sex- Male, Son of Sri Parmanand Mandal
@ Parmanand Manoranjan, resident of village- Raghapur, Police Station-
Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Old Secretariat, Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub Divisional Officer, Bhagalpur.
4. The Circle Officer, Nathnagar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-01-2020

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

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

*“For a direction to the Respondent authority to
disposed of the Mutation application pending
before the Respondent No. 4 bearing Application
No.4616 Case No.1166R27/2019-2020 dated
12.07.2019 of Anchal Nathnagar, Mauza
Raghapur, Thana No. 8, Khata No.463, Khesra
No. 466 appertaining area 4 Acre 121.875
decimal of land mutated in the favour of the
petitioner, but till date nothing has been done.”*

3. Learned counsel for the petitioner submitted that he
has applied for mutation of the land which belongs to his



ancestors.

4. Learned counsel for the State submitted that from the pleadings itself it appears that the grand-father of the petitioner is said to have been given possession of the land for cultivating after giving usufruct to the ex-landlord. It was submitted that in such view of the matter after abolition of *Zamindari*, unless the ex-landlord has filed his return showing the grand-father of the petitioner as settlee, no *raiyati* right shall accrue and the land would automatically deem to have vested in the State. However, he submitted that the authorities may be directed to look into all aspects and take a decision in accordance with law.

5. In the aforesaid view of the matter, the writ petition stands disposed off with a direction to the respondent no. 4 to take appropriate steps with regard to the application filed by the petitioner for mutation of the land in question. The respondent no. 4 shall ensure that all aspects of the matter are taken into consideration, especially with regard to the nature of the interest the grand-father of the petitioner possessed in the land and whether such interest of the ex-landlord was duly and legally transferred to the grand-father, in accordance with law, especially under the provisions of the Bihar Land Reforms



(Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, as also the provision relating to mutation, like issuing of public notice calling for objection etc. It is clarified that the Court has not expressed any opinion on the merits of the matter.

6. The exercise be completed within two months from the date of production of a copy of this order before the respondent no. 4.

(Ahsanuddin Amanullah, J)

J. Alam/-

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