

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16121 of 2022

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Babita Kumari wife of Madan Mohan Yadav @ Madan Kumar Yadav,
Resident of Village- Dhuabai, Police Station- Sanokhar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, The Revenue and Land Reforms Department, Patna.
3. The Circle Officer, Kahalgaon, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Praveen Kumar, Advocate
For the Respondents	:	Mr.Md. Khurshid Alam (AAG12)
		Ms. Nutan Sahay AC to AAG12

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-11-2022 Heard the parties.

Learned counsel for the petitioner submits that though the Revenue Kramchari had recommended for mutation in favour of the petitioner but the Circle Officer, Kahalgaon, Bhagalpur for extraneous reasons rejected the same relying on one Title Suit No. 103 of 2019. It has further been submitted by learned counsel for the petitioner that no such Title Suit No. 103 of 2019 is pending with regard to the property in question and therefore, the order dated 14.10.2022 passed in Case No. 3411R27 of 2022-23 is illegal and cannot be sustained. It has also been submitted that there was no objection with regard to



the mutation which was recommended by the Revenue Karamchari and the order passed by the Circle Officer is completely illegal and has been passed in a mechanical manner without considering the facts of the case and without hearing the petitioner.

When the Revenue Karamchari had recommended for cancellation of mutation, the Circle Officer ought to have mentioned the source from whom it came to know about the pendency of Title Suit No.103 of 2019 and mentioned the details of the parties before dismissing the mutation application.

In the circumstances, the order dated 14.10.2022 is quashed with a direction to the Circle Officer, Kahalgaon, Bhagalpur to pass a fresh order in accordance with law after hearing the petitioner. Any objection to the mutation suo motu by the Circle officer, Kahalgaon, Bhagalpur should be disclosed to the petitioner at the time of hearing of the mutation application so that the petitioner may make submissions on that issue. The application must be disposed of within two weeks from the date of receipt/communication of a copy of this order. In case this order is not complied, the petitioner may file an application for revival of this case.

With aforesaid observation and direction, this writ



petition is allowed.

(Sandeep Kumar, J)

Harsh/ BT

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