

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.802 of 2023

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Atthar Hussain, Son of Late Kashim Hussain, Resident of Village Hariharganj, P.S. Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Principal Secretary, Department of Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Commissioner, Patna Division, Patna.
4. District Magistrate-cum-Collector, District- Rohtas (Sasaram).
5. DCLR, Bikramganj, District- Rohtas at Sasaram.
6. Circle Officer, Nasriganj, P.S.-Nasriganj, District- Rohtas at Sasaram.
7. Mukhtar Ahmed Son of Wakil Ahmed, Resident of village Hariharganj, P.S. Nasriganj, District Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for directing the respondent No.5, namely, the DCLR, Bikramganj, Rohtas at Sasaram to pass order in the mutation appeal which was not numbered by the DCLR though it has been filed on 28.07.2022. Hence, the petitioner seeks limited prayer that since the mutation appeal has been filed on 28.07.2022, therefore, the DCLR in compliance of Chapter VI section 7 of the Bihar Land



Mutation Act, 2011(hereinafter referred to as 'the Act of 2011') ought to provide number and pass order on the said appeal within 30 days. Learned counsel further submits that the order passed by the respondent No.6, namely, Circle Officer, Nasriganj, Rohtas at Sasaram is dated 22.06.2022 in Mutation Case No. 1008 of 2002-2003.

3. Learned counsel for the State submits that from the order passed in the Mutation Case No. 1008 of 2002-2003, it transpires that in the light of Section 6(12) of the Act of 2011, during pendency of title suit, no decision has to be taken on mutation. Therefore, the Circle Officer has passed the correct order.

4. After going through the documents on record and hearing the parties, this Court is of the view that even if any immature petition has been filed before any authority, the appellate authority ought to provide number and then decided it completely in accordance with law.

5. In this view of the matter, respondent No.5, namely, the D.C.L.R., Bikramganj, Rohtas at Sasaram is hereby directed to provide the appeal number to the petition which is Annexure P/4 filed before him on 28.07.2022 and decide it in accordance with law within the time prescribe upon providing an



opportunity of hearing to the other parties in the said appeal.

6. With the above observation and direction, the writ
petition stands disposed of.

(Dr. Anshuman, J)

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