

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.993 of 2023

1. Narbadeshwar Prasad Sinha S/o Late Nageshwar Prasad Sinha, Resident of Nageshwar Niwas, Baldeo Sahay Road, P.S. and P.O. Kadamkuan, Patna - 800003.
2. Rajesh Sinha, S/o Narbadeshwar Prasad Sinha, Resident of Nageshwar Niwas, Baldeo Sahay Road, P.S. and P.O. Kadamkuan, Patna - 800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Patna, Bihar.
2. The Collector cum District Magistrate, Khagaria, Bihar.
3. The District Survey cum Settlement Officer, District - Khagaria.
4. The Assistant Survey cum Settlement Officer, Samaspur, Gogri, District - Khagaria.
5. The Deputy Collector Land Revenue, Gogri, District - Khagaria.
6. The Circle Officer, Gogri, District - Khagaria.
7. The Revenue Karamchari, Maheshkut, Gogri, District - Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

Mr. Amarendra Narayan, Advocate

For the Respondent/s : Mr. Rishi Raj Sinha (SC19)

Mr. Birendra Prasad Sinha, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 27-06-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The present writ petition has been filed for



quashing the order dated 27.03.2022 (Annexures P/6A & P/6B) passed by the respondent No.6, Circle Officer, Gogri, Khagaria rejecting the application of the petitioners for modification of the land appertaining to Khata Nos. 22 and 23, Khesra Nos. 41 and 15, Mauza-Taur, Tauzi No. 1437, Jamabandi No. 10, admeasuring 01 acre 07 decimals as well as land appertaining to Khata No. 315, Khesra No. 489, Mauza-Madarpur, Tauzi No. 7375, Jamabandi No. 72, admeasuring 01 acre 69 decimals respectively.

3. Learned counsel for the petitioners submits that for the said land, Jamabandi No.10 and Jamabandi No. 72 were running in the name of the ancestors/co-parceners for the petitioners. Learned counsel further submits that the said Jamabandi was created in the year 1961-62 itself and prior to that the petitioners have the deed documents relating to the said land.

3.1 It is further submits that those lands were the subject matter to the Title Partition Suit No. 98/1983 but without considering those aspects of the matter, the Circle Officer, Gogri has rejected the claim of the petitioners. Learned counsel further submits that he is still aware that the order passed in Annexures P/6A and P 6/B are the original



order passed by the Circle Officer under Section 6 of the Bihar Land Mutation Act, 2011 (hereinafter referred to as 'the Act of 2011'). Learned counsel for the petitioners further submits that he is also well aware that those orders are appealable under Section 7 of the Act of 2011 before the DCLR. He further submits that after rejecting the said order, the Circle Officer has not kept mum, rather he forwarded a letter to the Deputy Collector Land Reforms vide Annexure -P/7 wherein he has recommended for demand of No Objection. He further submits that the said Annexure -P/7 is necessary and shall protect the claim of the petitioners when they will move before the Deputy Collector Land Reforms.

3.2 He further submits that the petitioners have also filed representation with regard to the illegal action of the Circle Officer, Gogri before the District Magistrate, Khagaria vide Annexure P/9, but till date no action has been taken.

4. Learned counsel for the State submits that the orders under challenge (Annexure -P/6A and P/6B) have been passed by the Circle Officer and it is appealable order. Therefore, the petitioners be directed to prefer appeal before the Deputy Collector Land Reforms.

5. Upon going through the material available on



records and hearing the parties, it transpires to this Court that it is the correct position of law that the orders passed by the Circle Officer (Annexures - P6A and P/6B) are appealable orders for which the appeal shall prefer under Section 7 of the Act of 2009 before the Deputy Collector Land Reforms. Besides that this Court is also of the view that Annexure- P/7 is unnecessary when the Circle Officer, Gogri has already rejected the claim of the petitioners, he must ought not to write such letter causing prejudice to the petitioners.

6. In this view of the matter, letter No. 1411 dated 01.09.2021, Anneuxre P-7 is hereby quashed as it shall unnecessary prejudice the petitioners.

7. It is expected from the the Deputy Collector Land Reforms that he shall taste the decision of the Circle Officer on the basis of documents provided by the petitioners and also going through the records.

8. The writ petition is disposed of granting liberty to the petitioners to move before the appellate authority, i.e. the Deputy Collector Land Reforms for redressal of their grievances.

9. It is made clear that the limitation shall not come in the way of the appellate authority in deciding the matter on



merit since the petitioners were pursuing remedy before this Court since January, 2023.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2023
Transmission Date	NA

