

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1433 of 2023

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Usha Prasad Wife of Atma Nand Kumar Resident of- Mangla Asthan,
Ramchandra Pur, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land Revenue and Reform,
Government of Bihar Patna.
2. The Collector Bihar Sharif at Nalanda.
3. The Circle Officer Bihar Sharief, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP18)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 08-08-2023

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

2. The present petition has been filed for a direction to
respondent No.3, namely, the Circle Officer, Biharsharif to
accept the rent and grant rent receipt in favour of the petitioner
appertaining to Khata No. 152, Plot No. 997, admeasuring area
2 decimal situated in Thana No. 119, situated in Mohalla-
Singarhat, Biharsharif Nalanda and Khata No. 303, Plot No.
1359, Thana No. 132 situated in Mohalla -Aashanagar,
Biharsharif, Nalanda.

3. Learned counsel for the petitioner submits that the
said lands are the purchased land of the petitioner through
registered sale deeds dated 11.04.1984 and 26.05.1990. He



further submits that by virtue of both the sale deeds Jamabandi was created in the name of the petitioner but since 2019 onwards neither the rent is being accepted from the petitioner nor a rent receipt is being issued in favour of the petitioner. He further submits that before the purchase of the said lands, the petitioner had verified the land in the records of rights wherein it was found running in the name of the petitioner's vendor.

4. Learned counsel for the State has filed a counter affidavit. In the said counter affidavit, it has come that vide order dated 23.03.2023 passed by the Circle Officer, Biharsharif, the claim of the petitioner has been rejected. He further submits that the petitioner has the liberty to challenge the said order before the competent authority under the provisions of The Bihar Land Mutation Act, 2011 (Act 23 of 2011).

5. In response, counsel for the petitioner submits that the writ petition has been filed by the petitioner on 30.01.2023 and during the pendency of the present writ petition, the order dated 23.03.2023 has been passed by the Circle Officer, Biharsharif rejecting the claim of the petitioner.

6. In this background, while disposing of the present writ petition, this Court grants liberty to the petitioner to avail the statutory remedy under the provisions of The Bihar Land



Mutation Act, 2011 (Act 23 of 2011) within a period of four weeks from today.

7. The possession of the petitioner over the land in question shall not be disturbed by the respondent authority till the finality of litigation under the provisions of the Bihar Land Mutation Act, 2011 (Act 23 of 2011).

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

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	11.08.2023
Transmission Date	

