

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2417 of 2023

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Md. Ali alias Manzer S/o Late Abdul Motallib Resident of Moh- Walipur,
P.S.- Jamalpur, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The Collector, Munger.
5. The Deputy Collector Land Reforms, Munger.
6. The Circle Officer, Jamalpur, Munger.
7. Md. Mussadik Ali S/o Late Md. Asgar Ali Resident of Walipur Road, Jamalpur, Munger.
8. Shweta Devi W/o Gopal Prasad Resident of Sadar Bazar, Jamalpur, Munger.
9. Kavita Devi W/o Pankaj Kumar Resident of Walipur Road, Jamalpur, Munger.
10. Aarti Rani W/o Rakesh Kundan Resident of Village- Bank, P.S.- Muffasil, District- Munger, State- Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan, (SC- 25)
	:	Mr. Arif Daula Siddique, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-07-2023

Counsel for the petitioner and counsel for the State
are present.

2. The present application has been filed against the order of mutation made by Mutation Case No. 4616, 4617 and 4618 of 2022-23, by which the petitioner's *Jamabandi* relating to Khata No.-07, Plot Nos.286 to 295, total area-44.44 Decimal

of the land situated at Mouza- Alinagar, Mungrora, Nagar Parishad, Jamalpur, Circle- Jamalpur, Sub Division Munger Sadar, District- Munger has been calculated and mutated in the name of Respondent nos. 8 to 10.

3. Counsel for the petitioner submits that the petitioner upon getting information that somebody is trying to mutate his land in their favour, filed an objection before the Circle Officer, which is in Annexure-3 indicating that land under mutation is pending under Title Suit No.129 of 2022 for adjudication in the Court of Sub Judge-Ist-Munger but the Circle Officer, Jamalpur, Sub Division Munger Sadar, District- Munger has not acknowledged the said representation and passed order without issuing notice.

4. Counsel for the petitioner submits that in the light of Section 6(12) of the Bihar Land Mutation Act, 2011, there is a special provision which states is as follows:

“(12). Mutation of a holding or a part thereof shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court.”

5. Counsel for the State submits that under the Bihar Land Mutation Act, 2011 the order passed by the Circle

Officer office is in Mutation Case is applicable before the Deputy Collector Land Reform.

6. In this background, the Petitioner is directed to file an appeal before the Deputy Collector Land Reform as mentioned under the Section 6(12) of the Bihar Land Mutation Act, 2011 within 30 days from today and the Deputy Collector Land Reform is directed to entertain the appeal of the petitioner and upon hearing the parties, shall pass a reasoned and speaking order considering the provision under Section 6 and 12 of the Bihar Land Mutation Act, 2011 within 30 days from the date of completion of appearance of the parties in this case.

7. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	