

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5841 of 2021

=====

Gulshan Azhar, Wife of Azharul Haque, Resident of Village Mauna, Post Office-Taraon, Police Station-Nasriganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Magistrate, Rohtas.
3. The Deputy Collector, Land Reforms, Bikramganj, Rohtas.
4. The Circle Officer, Bikramganj, Rohtas.
5. The Halka Karamchari Raman Dihra Mani Panchayat, Bikramganj, Rohtas.
6. The Anchal Inspector, Bikramganj, Rohtas.
7. Nargis Paween @ Nargis Hoda, Wife of Sheikh afar Hassan, Resident of Mohalla-Koath pathan Toli, Post Office Koath, Police Station-Dawath, District-Rohtas.
8. Gopalji Siraj Son of Late Chandrika Singh Resident of Village-Raman Didhra, Post Office Mani Police Station-Bikramganj, District-Rohtas.
9. Nand Kumar Singh Son of Late Chandrika Singh Resident of Village-Raman Didhra, Post Office Mani Police Station-Bikramganj, District-Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate

For the Respondent/s : Mr.RR Sinha, SC 19 and Saurabh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 19-12-2023 Heard learned counsel for the parties.

2. Present writ application has been filed for a direction to the authority concerned to comply the order dated 29.09.2012 passed by the Deputy Collector, Land Reforms, Bikramganj, Rohtas where under the petitioner has challenged Mutation order dated 12.11.2011 passed in Mutation Case No. 601 of 2011-2012 passed by the Circle Officer, Bikramganj Block, District- Rohtas.

3. It is the case of the petitioner that after death of his father on 7.7.2004, petitioner filed an application before the



Circle Officer, Bikramganj, Rohtas on 27.09.2011 for mutation of his share in his name. One of the sharers sold petitioner's share to another person and Circle Officer mutated the land in favour of purchaser on 12.11.2011. Being aggrieved, petitioner filed an appeal before the Deputy Collector, Land Reforms, Bikramganj, Rohtas against the order dated 12.11.2011 passed by Circle Officer Bikramganj Block, Rohtas. Deputy Collector, Land Reforms, Bikramganj set aside the order of Circle Officer, Bikramganj, Rohtas passed in Mutation Case No. 601 of 2011-12 on 13.12.2012. Learned counsel for the petitioner submits that respondent no.3 has not taken any steps to comply order dated 29.9.2012, passed by the DCLR, Bikramganj.

4. Counter affidavit has been filed by the State. It is stated that the mutation order passed by then then Anchaldhikari, Bikramganj was set aside by the Deputy Collector Land Reforms, Bikramganj and the case was remanded to the Anchaladhikari with direction to make physical verification of the disputed land and pass fresh order according to the law. After remand the Anchaladhikari started Miscellaneous Case No.-01/2023-24 and sent notices to the parties on 18.04.2023. It is further stated that the notices were duly served to the parties personally and the date fixed for spot inspection was 25.04.2023. However, on 25.04.2023 petitioner could not come to the disputed land and in presence of several villagers and Panchayat ward members, Anchaladhikari made thorough enquiry and passed order dated 25.4.2023. Mutation petition of the petitioner was dismissed under section 6 (12) (13) of the Land Mutation Act. It is further stated that Title Suit No.-338/2009 is pending between the parties question in respect of the land in question.



5. In this case, mutation petition of petitioner has been rejected on the ground that title suit with respect to the land in question is pending before the civil court. In terms of section 6(12) of the Bihar Land Mutation Act, 2011 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.

6. Having heard learned counsel for the parties and on going through the materials available on the record, I do not find any error in the impugned order.

7. The writ petition is devoid of merit. It is accordingly dismissed.

(Prabhat Kumar Singh, J)

shashi/-

U			
---	--	--	--

