

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4117 of 2016

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Abdul Alim S/o Late Qazi Salim R/o village - Borna, P.S. Gogri, District -
Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector - Cum - District Magistrate, Begusarai
3. The Additional Collector, Begusarai
4. The Deputy Collector, Land Reforms, Balia
5. The Circle Officer, Balia
6. Md. Zakir Son of Late Md. Ekbal
7. Md. Sabbir Ahmad Son of Abdul Zabbar
8. Arshad Son of Shaukat Ali
9. Mahfooj @ Mahmus @ Irfan Son of Late Md. Mazloom
10. Fakhrujama Son of Late Abdul Jamil
11. Faijum Nisha Wife of Sajjad
12. Tabassum Aara Wife of Sajid
13. Shahid Son of Md. Hasan
14. Najma Naaj Wife of Arsi Afsar
15. Pravej Son of Kalimuddin
16. Kahkashan Banu Wife of Manjur Ahmad
17. Zinnat Praven Wife of Shadullah
18. Asadullah Son of Ahdullah
19. Badrujama Son of Alimuddin
20. Sohal Khan Son of Taslim Khan
21. Md. Saud Son of Labib
22. Soraiya Pravin Wife of Saukat Hussain
23. Wasima Khatoon wife of Late Jasim
24. Naseem Alam Son of Lal Mohammad
25. Shahjahan Khatoon Wife of Firoj
26. Firoj Son of Badruddin All resident of Village - Mirdah toil Chhoti Ballia,
P.S. Ballia, District - Begusarai
27. Dr. Hehal Akhtar S/o Late Choudhary Mushtaque Husain
28. Dr. S.M. Afaq S/o Late Mushtaque Hassan Both R/o village - Balia Upper
Tola, P.S. Balia, District - Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shabbir Alam
Mr. Sanjay Sinha
For the Respondent/s : Mr. Akhileshwar Singh, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-11-2023 Heard learned counsel for the parties.

2. This writ application has been filed for quashing order dated 18.06.2014 passed by the Additional Collector, Begusarai (respondent No. 3) in Misc. Case No. 53/13-14.

3. It is the contention of the petitioner that grand father of the petitioner Late Kazi Muslim obtained 19 Bigha 13 Katha and 19 dhurs of land pertaining to Khata No. 412, Khesra No. 3560, Thana No. 627, Mauza Balia of District Begusarai in the year 1954-55 by the then landlord. Accordingly, the land was mutated and Jamabandi No. 1 was created in the name of grand father of the petitioner and rent receipts were granted till 2004-05 but in the year 2008-09, name of father and uncle of respondent Nos. 27 and 28 was entered in the Register-II through manipulation for which Vigilance Case No. 103 of 2015 is still pending. Later on, against *vide* order dated 15.07.2015 of the DCLR, Balia (respondent No.4) the rent receipts are being issued in the name of grand father of the petitioner. In the meantime, private respondents filed an application for mutation of their names in the revenue records before the Circle Officer,



Balia (respondent No. 5) for which Mutation Case Nos. 1860 to 1880 of 2013-14 were initiated. Respondent No. 5 called for the report of the then Halka Karmchari who reported that there is apparent forgery in the records of Register-II. Hence, on the basis of aforesaid report, respondent No. 5 dismissed the aforesaid mutation case on 26.12.2013 (Annexure-1 Series). He next submits that the private respondents instead of filing appeal against the order dated 26.12.2013 filed a Revision under Section 8 of the Bihar Mutation Act, 2011 before the A.D.M., Begusarai and after hearing the parties, on 18.06.2014, order of the Circle Officer, Balia was set aside (Annexure-2) and the matter was sent back for fresh consideration, ignoring the report of the Circle Officer dated 06.03.2014.

4. By way of filing counter affidavit, learned counsel for respondent Nos. 2 and 5 submits that the impugned order cannot be said to be without jurisdiction. Section 8 (1) of the Bihar Land Mutation Act, 2011 empowers the Additional Collector to hear the revision which reads as:

“The Collector/ Additional Collector of the district under this Act may, on an application made to him on this behalf or for the purpose of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by any officer or



authority, call for and examine the records of any case pending before or disposed of by such officer or authority and pass such order as he deems fit.”

It is relevant to mention here that any person who is aggrieved by the order of the Circle Officer can file either appeal or revision under the Bihar Land Mutation Act. In this case, Additional Collector passed the impugned order in Revision Case No. 53/13-14 and after hearing the parties remanded the matter to the Circle Officer, Balia to decide the issue after fresh consideration in accordance with law.

5. Considering the facts and circumstances of the case, this court does not find any illegality in the impugned order dated 18.06.2014 passed by the Additional Collector, Begusarai.

6. This writ application is, accordingly, disposed of with liberty to the petitioner to move before the appropriate forum which is available to him in accordance with law.

(Prabhat Kumar Singh, J)

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