

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3466 of 2023

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Rajendra Yadav Son of Late Dhauli Yadav, Resident of Village- Bariyarpur,
P.O.- Shahkund, P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, the Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, the Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Secretary, the Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Joint Secretary, the Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The Deputy Secretary, the Revenue and Land Reforms Department, Government of Bihar, Patna.
6. The Collector, Bhagalpur, Bihar.
7. The Additional Collector, Bhagalpur.
8. The Deputy Collector Land Reforms, Bhagalpur.
9. The Circle Officer, Shahkund, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha (SC- 19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for setting
aside the order dated 20.06.2020 passed in Case No.- 1670 of
2019-20 by which mutation of land of the petitioner has been
rejected.

3. Counsel for the petitioner submits that he is well

aware that order passed under mutation case by the Circle Officer, Shahkund, Bhagalpur is appealable under Bihar Land Mutation Act, 2011 but even then, he dares to file the present writ petition due to the reason that the said order has been passed without considering this aspect of the matter that there is a judgment and decree in favour of the petitioner for the land in question, which has been affirmed up-to Appellate Court about which there is no discussion made by the Circle Officer, Shahkund, Bhagalpur in his order dated 20.06.2020. The order passed in title suit and title appeal have been attached in this writ petition.

4. Counsel for the State submits that in mutation proceedings, the order passed by title Courts cannot be ignored.

5. In the light of the submissions made and the pleadings of the case, this Court is of the view that Bihar Land Mutation Act, 2011(Bihar Act 23, 2011) and its respective rule which has been framed only and only for the purpose of mutation of land under Section 6(12) of the Bihar Land Mutation Act, 2011 (Bihar Act 23, 2011) which clearly indicates that where there is title suit pending, the mutation authority must have to retrain themselves by passing any order of mutation. It also implies that when there is decision of the Title

Court then, it is binding upon the mutation authorities which has been completely ignored in this case. In this view of the matter, this Court interferes in the order dated 20.06.2020 which has been passed in Case No. 1670 of 2019-20 and is accordingly set aside.

6. However, the petitioner would be at liberty to file a petition afresh before the Circle Officer, Shahkund, Bhagalpur along with a copy of this order and also annexing all the relevant documents whereupon, the Circle Officer, Shahkund, Bhagalpur is directed to pass order afresh within 2 months from the date of filing of the representation afresh, considering this aspect that the matter has already been decided in favour of the petitioner in the title suit as well as in the title appeal.

7. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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