

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7697 of 2023

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Baidhnath Thakur @ Baidya Nath Thakur Son of Late Sibu Thakur, Resident of Village- Ghonghiya, Ward No. 4, Post - Lachhmanpur, Police Station - Bahera and District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Deputy Collector Land Reforms, Darbhanga.
4. The Sub Divisional Officer, Benipur, Darbhanga.
5. The Circle Officer, Benipur, Darbhanga.
6. Chunna Khan Son of Razi Ahmad Khan @ Mahtab Khan, Resident of Village- Ashapur, Police Station- Bahera, District- Darbhanga.
7. Jahira Khan Son of Razi Ahmad Khan @ Mahtab Khan, Resident of Village- Ashapur, Police Station- Bahera, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-10-2023

1. Heard the learned counsel for the parties.

2. The petitioner has assailed the order dated 03.11.2022 passed in Mutation Case No. 526/2022-23 by the respondent no. 5, the Circle Officer, Benipur, Darbhanga whereby and whereunder the case filed by the petitioner for mutation of his land in respect of sale-deed executed in his favour has been rejected.

3. Learned counsel for the State raises preliminary objection to the effect that an alternative and efficacious remedy



is available to the petitioner by way of filing an appeal under Section 7 of the Bihar Land Mutation Act, 2011 before the Deputy Collector Land Reforms, Darbhanga (respondent no. 3).

4. Section 7 of the Bihar Land Mutation Act, 2011 reads as follows:-

“7. Appeal. - (1) An Appeal against the order of the Circle officer shall lie with the Land Reforms Deputy Collector within thirty (30) days from the date of the order appealed against.

(2) The Land Reforms Deputy Collector may condone the delay in filing appeals provided he is satisfied that there are sufficient reasons for the delay.

(3) The Land Reforms Deputy Collector shall not pass any order modifying, altering or setting aside the order appealed against unless the concerned parties concerned have been given a reasonable opportunity of being heard.

(4) The time limit for the disposal of a mutation appeal shall be thirty (30) working days from the date of the filing of the mutation appeal.”

5. Learned counsel for the petitioner does not dispute the above proposition.

6. Considering the facts and circumstances of the case, this writ petition is disposed of with liberty to the petitioner to move before the competent authority under the Bihar Land Mutation Act, 2011 within 30 days from today.

7. In the event, such an appeal is filed by the petitioner, the Deputy Collector Land Reforms, Darbhanga (respondent no. 3) shall examine the claim of the petitioner and pass a reasoned and speaking order in accordance with law after



hearing the parties preferably within a period of six months thereafter.

8. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

9. Writ petition stands disposed of with the aforesaid observation.

(Prabhat Kumar Singh, J)

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