

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6779 of 2023

Sanjay Kumar Son of Late Upendra Narayan Ray, Resident of Village -
Chatra, Police Station - Muffasil Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna - 15.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna, Old Secretariat, Patna - 15.
3. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna, Old Secretariat, Patna - 15.
4. The Divisional Commissioner, Munger at Khagaria.
5. The Collector-cum-D.M., District - Khagaria.
6. The Sub Divisional Officer, Sub Division Khagaria.
7. The Circle Officer, Muffasil, Khagaria.
8. Awadh Bihari Sanskrit College, Rahimpur, Police Station - Muffasil Khagaria, District - Khagaria through it's Principal.
9. The Principal, Awadh Bihari Sanskrit College, Rahimpur, Police Station - Muffasil Khagaria, District - Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Hridayal Kumar, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-05-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

*“(i) For issuance of an appropriate writ/s,
order/s, direction/s including the writ of mandamus
commanding the Respondents specially the
Respondent No. 7 for mutation of the piece of raiyati
land appertaining to Khata No. 437, Plot No. 660,*



Mauja- Rahimpur, P.S.- Muffasil Khagaria, District- Khagaria in the name of petitioner which has been purchased by him (the petitioner) vide sale deed no. 1076 dated 28.03.2023 which has been kept pending deliberately from 2018 to till the date and to pass an appropriate direction to the concerned authorities to stay immediate on ongoing cemented construction work on the aforesaid land removing the construction materials like sand, cement, stone chips and steel bars etc, during the pendency of this petition which is being encroached illegally by Respondent No.8 herein.

(ii) To direct the Respondents authorities to provide safety and security to the life and property of the petitioner and his family members and not to implicate the petitioner in fake and fabricated case under section 186 and 353 of the IPC to harass the petitioner with a view to dispossess the petitioner illegally and forcibly from the aforesaid land.

(iii) For grant of any other relief's for which the petitioner entitled to, under the facts and circumstances of the instant writ application."

3. The main prayer of the petitioner in the writ application is to the effect that the petition filed by the petitioner for mutation of his raiyati land appertaining to Khata no.437, Plot no.660, Mauja Rahimpur, P.S. Muffasil Khagaria in the District of Khagaria which the petitioner purchased through a registered sale deed no.1076 dated 28.3.2023 continues to



remain pending since the year 2018 thus forcing the petitioner to file the instant writ application for a direction to the Circle Officer concerned to mutate the land in question in the petitioner's name. Learned counsel for the petitioner further submits that the main cause of dispute is the illegal claim being raised by the respondent nos.8 and 9 with respect to the land in question.

4. Learned counsel for the respondents submits that from one of the representations filed by the petitioner addressed to the District Magistrate, Khagaria, which has been brought on record as Annexure-5 to the writ application, it would transpire that the petitioner has already filed Title Suit no.106 of 2022 in the learned Court below and which is not being taken up probably because the Court is vacant. It is further submitted that section 6 of the Bihar Land Mutation Act, 2011 provides with respect to disposal of mutation cases and further section 6(12) provides that 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. Having heard learned counsel for the parties and taking into consideration the contents of section 6(12) of the Act, as referred to herein above, the Court finds substance in the



submissions made on behalf of the respondents. In such view of the matter, no relief can be granted to the petitioner in the instant case so far as the direction to the Circle Officer for disposal of the mutation case is concerned in view of the pendency of the Title Suit no.106 of 2022 in the learned trial Court with respect to the land in question.

6. At this stage, learned counsel for the petitioner submits that the private respondents are proceeding with the construction over the land in question and the injunction petition filed in the suit is not being taken up because of the Court being vacant.

7. It goes without saying that the petitioner will always be at liberty to mention the injunction petition filed in the suit before the learned District Judge who may list the injunction petition before the Court which is available.

8. This writ application stands disposed of.

(Partha Sarthy, J)

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