

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7870 of 2023

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Anjani Kumar Sinha Son of Late Awadh Prasad, Resident of Village- Ishapur,
P.S.- Khusrupur, Distt.- Patna, At Present Residing At Mohalla- Rajendra
Nagar, Road No. 6A, P.S.- Kadamkuan, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar at Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar at Patna.
3. The Collector, Patna.
4. The Circle Officer, Khusrupur, Patna.
5. Sonam Devi Wife of Late Ramjatan Singh, Resident of Village- Paigambarpur, P.S.- Khusrupur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kishore Verma
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2023

1. Heard the learned counsel for the parties.

2. This writ application has been filed for quashing the part of the impugned order dated 06.12.2022 passed by the Circle Officer, Khusrupur, Patna (respondent no. 4) in Mutation Case No. 2763 of 2022-23, relating to the petitioner's lands of plot no. 1267, Khata No. 78 whereby respondent no. 4 even without cancelling the running jamabandi in favour of the petitioner regarding the properties/plots in dispute has mutated the name of the private respondent no. 5.

3. At the outset, 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 competent authority.

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 concerned competent authority 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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