

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13342 of 2022

Vikash Kumar S/o Late Umesh Prakash Mandal Resident of Mohalla- Betwan
Bazar Argara Road Police Station- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Munger.
2. The Collector, Munger.
3. The Sub-Divisional Officer, Sadar, Munger.
4. The Circle Officer, Sadar, District- Munger.
5. Asha Devi W/o Late Umesh Prakash Paswan Resident of Mohalla- Betwan
Bazar Argara Road Police Station- Kasim Bazar, District- Munger.
6. Puja Rani D/o Late Umesh Prakash Paswan Resident of Mohalla- Betwan
Bazar Argara Road Police Station- Kasim Bazar, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra, Advocate
For the Respondent/s	:	M/s Rishi Raj Sinha (SC 19) Saurabh Kumar, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
Date : 13-03-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner has filed the instant writ application for
the following relief(s):-

“(i) for the issuance of a rule in the nature of writ of certiorari for quashing the Order dated 07-07-2022 passed by Respondent No.4, The Circle Officer, Sadar Munger in Mutation Case No: 2789/2021-22 whereby and where under an order has been passed for mutation of the land appertaining to Khesra No. 1159 Thana No. 433 in Mauza- Aram Nagar with an area of 38 decimals bounded by East- 8ft Road West- Own House and House of Kam Singh



North- Kaushalya Devi South- Main Road without consideration of the objection filed by the petitioner and giving any opportunity of hearing to the petitioner as contemplated in section 6 (2) of The Bihar Land Mutation Act 2011 (For short- The Act) and during the period when the Probate Case No. 10 of 2022 filed by the petitioner regarding aforesaid land was pending in the court of District Judge, Munger.

(ii) for the issuance of a rule in the nature of writ of Mandamus commanding the respondent authorities to comply the provisions of the Act in a just and proper manner.

A true copy of the Order dated 07-07-2022 is annexed herewith and marked as Annexure - 1 for identification.”

It is submitted by learned counsel for the petitioner that the order under challenge is the order dated 7.7.2022 passed by the Circle Officer, Sadar, District Munger (respondent no. 4) passed in Mutation Case no. 2789/2021-22. Referring to the order impugned it is submitted that inspite of the petitioner having appeared and filed a detailed objection petition dated 25.6.2022, a copy of which has been brought as Annexure-5 to this application, from perusal of the order impugned it would transpire that the contents of the objection petition has not even been referred to nor considered by the respondent no. 4. Further reference is made to section 6 of the Bihar Mutation Act, 2011 to submit that it categorically provides



that on receipt of the objection, the Circle Officer shall give reasonable opportunity to the party concerned to adduce evidence and of being heard and, thereafter, shall dispose of the objection. Thus, it is submitted that on the face of it, the order impugned is not sustainable and fit to be set aside.

Learned counsel appearing for the respondent nos. 1 to 4 submits that the petitioner has an alternative and efficacious remedy for filing an appeal under section 7 of the Bihar Land Mutation Act, 2011 before the Land Reforms Deputy Collector.

Having heard learned counsel for the parties and taking into consideration the relevant provisions of the Act as referred to and relied upon by the parties, the instant application is disposed of giving liberty to the petitioner to move before the appropriate authority under the Bihar Land Mutation Act, 2011.

In case such an appeal is filed within a period of two weeks from today, the concerned authority under the Act in considering the application for condonation of delay will take into consideration the period for which the instant application remained pending in this Court.

Further in case the appeal is preferred, the appellate authority shall proceed to decide the appeal / application for any



interim order expeditiously without any delay.

(Partha Sarthy, J)

Spd/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	14.03.2023
Transmission Date	

