

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14807 of 2022**

Prabhu Paswan son of Jaggu Paswan, Resident of Village- Ratnara Ganga Bigha, Tola Ratti Bigha, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, Gaya.
3. The Land Reforms Deputy Collector, Gaya.
4. The Circle Officer, Bodh Gaya, District- Gaya.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Upendra Prasad Singh, Advocate  
For the Respondent/s : Mr. Md. Khurshid Alam (AAG 12)

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      02-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant writ application

for the following relief(s):-

*“That this is an application on behalf of petitioner for issuance of an appropriate writ, order or direction, particularly in the nature of writ of Mandamus, commanding and directing the respondent authorities specially to the Circle Officer, Bodh Gaya (Respondent No.4) to create the Jamabandi of the land in favour of the petitioner in the light of the judgment/ decree dated 16.05.2014/28.05.14 passed in Title Suit No. 635/13/134/13 by learned Sub. Judge-IV. Civil Court, Gaya after setting the order of Circle Officer, Bodh Gaya in Mutation Case No. 2192R27/2018-19, by which he has rejected the*



*claim of mutation of the petitioner over the land pertaining to Thana No. 358, Khata No. 288, Plot No. 30, 31, 27, area 2 acre 64 dec., 3 acre 24 dec. and 5 acre respectively total 10 acre 88 decimals, situated in Mauja: Bakraur, Anchal: Bodh Gaya, District: Gaya against which appeal has been preferred by the petitioner bearing Mutation Appeal Case No. 201/2021-22 in which order dated 29.06.22 has been passed remitted back the matter before the Circle Officer, Bodh Gaya to complete the fixation of rent in accordance with law in respect to the aforesaid land, despite that no positive steps has been taken by the Circle Officer, Bodh Gaya and sitting tight over the matter, the reasons best known to him.*

*For issuance of an appropriate writ(s), order(s) or direction(s) which may be deemed fit and proper in the facts and circumstances of the case.”*

3. The case of the petitioner in brief is that inspite of Title Suit no. 635 of 2013 / 134 of 2013 having been decreed in favour of the petitioner and the petitioner approaching the Circle Officer, Bodh Gaya for creating Jamabandi of the said land and issuance of rent receipt after fixation of rent, the same was not done.

4. Learned counsel for the petitioner submits that by order dated 26.9.2019 passed in Mutation Case no. 2192R27/2018-19, the Deputy Collector Land Reforms, Sadar



Gaya has also directed the Circle Officer, Bodh Gaya to complete the proceeding with respect to rent fixation. As such, learned counsel for the petitioner prays for a direction to the respondent authorities for creation of Jamabandi in favour of the petitioner in view of the judgment and decree as mentioned hereinabove.

5. Learned counsel for the State submits that the power of rent fixation being with the Deputy Collector Land Reforms, Sadar Gaya, he may be directed to pass appropriate orders fixing the rent with respect to the land in question and, thereafter, the matter will be considered by the Circle Officer, Bodh Gaya with respect to creation of Jamabandi.

6. At this stage, learned counsel for the petitioner submits that appropriate direction may be given to the respondent authorities on the basis of submission made by learned counsel for the respondents.

7. Having heard learned counsel for the parties and having perused the material on record, the instant application is disposed of directing the petitioner to approach the Deputy Collector Land Reforms, Sadar Gaya (respondent no. 3) along with all supporting documents. The said respondent no. 3 shall proceed in accordance with law and after considering the



documents shall fix the rent of the land in question. Thereafter, the matter will be referred to the Circle Officer, Bodh Gaya (respondent no. 4) who shall proceed to open the Jamabandi once again after following due process of law and hearing all concerned.

8. It may be clarified that the Court has not gone into the merit of the case of the petitioner which is left open to be decided by the respondent nos. 3 and 4 respectively.

9. The above exercise shall be completed by the respondent nos. 3 and 4 at the earliest preferably within a period of four months each.

**(Partha Sarthy, J)**

Spd/-

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