

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4913 of 2017

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1. Sanju Devi and Anr Wife of Sanjeet Kumar resident of Village Nirakhpur Baheri, Police Station - Paliganj in the district of Patna.
 2. Sunaina Devi Wife of Udayanand Prasad resident of Village - Mera, Police Station - Paliganj in the district of Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate-cum-Collector, Patna.
5. The Circle Officer, Paliganj in the district of Patna.
6. Kiran Devi Wife of Late Binay Dhari Singh resident of Village - Dharhara, Police Station - Paliganj in the district of Patna.
7. Amitdhari Singh Son of Late Binay Dhari Singh resident of Village - Dharhara, Police Station - Paliganj in the district of Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Pankaj Kumar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, G.P.-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-05-2024 Heard the parties.

2. The present writ petition has been preferred for
the following relief(s):-

*(i) to quash the order dated
19.12.2016 and order dated 19.1.17 passed
by the Circle Officer, Paliganj (respondent
no.5) passed in Mutation Case No. 785 of
2016-17 and 845/2016-17 by which the
Mutation application with respect to the land*



bearing Khata No. 102, Plot No. 552, measuring area 1 katha 4 dhoor and the land bearing Khata No. 101, Plot No. 594, measuring area 3.75 Decimals situated at Mauza- Dharhara, P.S.- Paliganj in the district of Patna has been rejected;

(ii) also to direct the respondents to mutate the land described above in the name of the petitioners as the same has been purchased by the petitioners through the registered Sale- Deeds executed by Amitdhari Singh (respondent no.7) on 10.10.2013 as holder of power of attorney obtained from his mother Smt. Kiran Devi (respondent no.6) as the land belongs to the respondent no. 6.

3. A counter affidavit on behalf of the State-respondent is on record and Mr. Dhurjati Kumar Prasad, learned G.P. -14 took this Court to paragraphs 5 to 7 which read as follows:

5. that it is submitted that in pursuance of submission of application for mutation of land, the answering respondent initiated mutation proceeding and got the matter verified through the Revenue Karamchari. The concerned Revenue Karamchari/ Circle Inspector submitted



report stating therein that the land in questions i.e. Khata No. 102 Plot No. 552 & Khata No. 101 No. 594 is mentioned as Gair Majarua Aam in record of right (Khatiyani). Thus, the said land is government land.

6. That in the light by of report submitted by the concerned Revenue Karamchari/ Circle Inspector, the answering respondent no.5 i.e. the Circle Officer, Paliganj decided to reject the application for mutation of the land in question vide order dated 19.12.2016 19.01.2017 respectively (annexure-1 & 2) of the writ petition).

The said order dated 19.12.2016 & 19.01.2017 is appealable order but the petitioner did not prefer appeal before the appellate authority i.e. the learned court of Deputy Collector Land Reforms, Paliganj.

However, petitioners for the claim of the mutation over Gair Majarua Aam land is not tenable in the eyes of law.

7. That the statements made in 7 are concerned, it is para-4 submitted that the land in question i.e to Khata No. 102 Plot No. 552 & Khata No. 101 Plot No. 594 is mentioned as Gair Majarua Aam in record of right (Khatiyani). Thus, the said land is government land. Therefore, execution of sale deed dated 10.10.2013 over the government land is illegal.”



4. In that background, learned counsel for the petitioner submits that he shall be preferring appeal before the concerned Revenue Authority, Paliganj, Patna within a period of four weeks from today.

5. In that view of the matter, if the appeal is preferred within a period of four weeks, the concerned Revenue Authority shall take into account that the writ petition was pending before this Court while taking up the limitation petition.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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