

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2299 of 2017**

=====

Rajendra Pandey Son of late Mahesh Pandey Resident of Village- Baligaon,  
P.S. Ayar, District- Bhojpur Area, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Bhojpur , Ara.
3. The Circle Officer, Sadar, Ara

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Chandra Bhushan Singh, Advocate  
For the Respondent/s : Mr.Md. Khurshid Alam, AAG-12

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

**ORAL JUDGMENT**

**Date : 18-07-2024**

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

2. Following relief(s) have been prayed for in paragraph  
no. 1 of the present writ application.

*“1.(i) For issuance of an appropriate  
writ/order or direction to respondent no. 3 for  
mutation of purchased land of petitioner which  
have old Khata No. 191, old Kheshra No. 310  
of Part-71, acres one Katha which is situated  
in Mohalla-Mollabag, Old Ward No. 13 (New-  
10), Thana no. 236 in Municipality area, P.S.  
Ara, Nawada, District-Bhojpur.*



*(ii) For issuance of an appropriate writ/order or direction to respondent no. 3 who has not obey the order dated 19.09.2016 passed by Hon'ble Justice B.P. Verma in C.W.J.C. No. 9669/2014 regarding the Mutation of said very land within time period of two months u/s 3 of Bihar Land Mutation Act, 2011.*

*(iii) For issuance of an appropriate writ/order or direction to respondents as required of the time of hearing and other reliefs as sought of Judicature with costs."*

3. Learned counsel for the petitioner submits that the petitioner had purchased the land by Syed Sah Mumtaz Amad in the year 2003 by a sale deed dated 05.11.2003 which have old Khata No. 191, Old Khesra No. 310 of Part-71, area One Katta, which is situated in Mohalla-Mollabag, Old Ward No. 13 (New-10), Thana No. 236 in Municipality Area, P.S. Ara Nawada, District- Bhojpur. The petitioner has filed a petition for mutation of the said land before the office of respondent no.3 dated 05.12.2013. Learned counsel further submitted that vide order dated 19.09.2016 passed in C.W.J.C. 9669 of 2014, petitioner was directed to file a petition before the concerned Circle Officer,



respondent no.3 herein, and the concerned Circle Officer was directed to initiate a mutation case under the provisions of Bihar Land Mutation Act, 2011 in accordance with law. Learned counsel further contended that the petitioner filed the petition before the respondent no.3 but the concerned authority ignored the said order and till today, neither any order has been passed nor mutation has been done. Learned counsel further submitted that “Bihar State Sunni Waqf Board” litigated the said land and filed Suit No. 269/96 which was rejected vide order dated 31.07.2011 and on the direction of Supreme Court in Civil Appeal No. 804 of 2004, F.A. No. 81 of 2002 was heard and dismissed. Against the said judgment, “Waqf Board” filed S.L.P. (Civil) No. 19125 of 2014 before the Hon’ble Apex Court but the same was dismissed vide order dated 27.08.2018. Learned counsel further submitted that now, no any matter is pending before Hon’ble Apex Court regarding the land in question. Therefore, the petitioner seeks a direction upon the Circle Officer concerned for disposal of his representation within a time frame.

4. Considering the aforesaid facts and circumstances, the petitioner is directed to submit a fresh application along with the relevant documents before the Circle Officer, Sadar, Ara, (respondent No. 3 herein) within a period of four weeks from



today along with the copy of this order. If any such application is filed, the concerned respondent No. 3 i.e. Circle Officer, Sadar, Ara shall consider the same after perusing the documents filed on behalf of the petitioner and pass reasoned and speaking order in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

5. With the aforesaid observation/direction, the present writ application stands disposed of.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          |            |
| Uploading Date    | 24.07.2024 |
| Transmission Date |            |

