

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13405 of 2017

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1. Srikant Verma Son of late Yadeshwari Prasad Verma, Resident of Village-Harkhua, P.S. Gopalganj, District- Gopalganj.
 2. Basant Kumar Verma
 3. Jamvant Kumar Verma All sons of Late Yadeshwari Prasad Verma All residents of Village - Harkhua, P.S. - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Gopalganj.
4. The Additional Collector, Gopalganj.
5. The Sub Divisional Officer, Gopalganj.
6. The Circle Officer, Gopalganj.
7. The Union of India, through the General Manager Eastern Central Railway.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
For the Railway	:	Mr. Ramadhar Shekhar, C.G.C.
For the Respondent/s	:	Mr.Sajid Salim Khan , S.C.-25

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 23-09-2024

Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The learned counsel for the petitioners is permitted to make necessary correction in the party position during course of the day.

3. In the instant application, the petitioners have prayed for the following reliefs in paragraph 1:



“That the instant application is being preferred for issuance of appropriate writ(s) particularly writ in the nature of Mandamus commanding and directing the Respondents concerned to receive rent and issue rent receipt to the petitioners pertaining to the land situated at Village-Harkhua, P.S. and District-Gopalganj, Thana No. 71 and Tauzi No. 3935 in view of the Mutation Order dated 16.10.2012 passed in Mutation Case No. 974 of 2012-13 passed by the Respondent No.6 and subsequently order dated 22.08.2016 passed in Mutation Revision No. 15 of 2012/03 of 2014-15 passed by the Respondent No.4 and/or grant any other relief(s) which the petitioners may be entitled to in the facts and circumstances of the case.”

4. Learned counsel for the petitioners has submitted that the land in question along with other land had been acquired by the Government of India then Ruled by British Administration for the purpose of B.N.W Railway way back in the year 1930. Thereafter, on the request of the Railway, the then Governor General in Council settled the said land with Late Yadeshwari Prasad Verma (father of the petitioners) by Registered Deed No. 5684 dated 26.09.1942 on payment of consideration of Rs. 3,710/- for ever and settlement and sale was



made under Crown Grant XV of 1895 and subsequently petitioners sold some of the plots to different persons which were mutated and rent receipts were also granted. After death of father, the petitioners are coming in possession having title upon it.

5. Learned counsel for the petitioners further submits that on 19.01.2012, the petitioners filed Mutation Case No. 974/2012-13 was filed before the Circle Officer, Gopalganj (Respondent No.6) in which order dated 16.10.2012 was passed and Jamabandi No. 1212 was created in Register-II in favour of the petitioners. Thereafter rent receipt (Annexure-3) was issued in favour of petitioners' father for the year 2012-13. The State filed Mutation Revision No. 15/2012/3/2014-15 before the Collector in which father of the petitioners was O.P. No. 1. By order dated 22.11.2012, interim order was passed by which order dated 16.10.2012 passed by Respondent No. 6 was stayed. Mutation Revision No. 15/2012/3/2014-15, upon transfer in the Court of Additional Collector, Gopalganj, was disposed of by order dated 22.08.2016 (Annexure-4) stating that complex question of title is involved which can be decided only by the Civil Court of competent jurisdiction and the revision application was dismissed.



6. Learned counsel for the petitioners also submits that after dismissal of the mutation revision, the petitioners filed Miscellaneous Case before the Circle Officer, Gopalganj through post stating that since the order dated 22.11.2012 passed by the Collector, Gopalganj was merely an interim order which lost its significance after dismissal of the Mutation Revision No. 15/2012/3/2014-15, hence the Halka Karamchari be directed to accept rent from the petitioners and prayed to issue rent receipt. The said miscellaneous case is still pending.

7. On the other hand, a counter affidavit on behalf of the respondent nos. 3 to 6 has been filed. Learned counsel for the State, referring to paragraph 10 of the counter affidavit, submitted that State has filed Mutation Revision before the Collector, Gopalganj and after transfer of the same before the Additional Collector, the Mutation Revision was dismissed on the ground that the complicated question of title involved in the said land and for deciding the title, Civil Court has the jurisdiction to decide.

8. Considering the facts and circumstances of the case and rival submissions made on behalf of both parties, the petitioners are directed to file a fresh representation before the Circle Officer, Gopalganj (Respondent No.6) along with all



documents within a period of four weeks from today. If any such application is filed, the Circle Officer, Gopalganj (Respondent No. 6) shall consider and dispose of the same in accordance with law and pass reasoned and speaking order within a period of two months from the date of receipt /production of a copy of this order.

9. With the aforesaid observation/direction, the present writ petition is disposed of.

(Rudra Prakash Mishra, J)

lata/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

