

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13495 of 2016

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Surendra Singh son of Late ram Sakal Singh resident of Mohalla- Keshri Nagar, P.O. Keshri Nagar, P.S. Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Patna Division, Patna
3. The Collector, Patna, District - Patna
4. The Additional Collector, Patna, District- Patna
5. The Senior Deputy Collector-Cum-Public Information Officer, District Revenue Cell, Patna
6. The Circle Officer, Patna Sadar, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari, Advocate
For the Respondent/s : Mr. Subhash Chandra Yadav, GP- 15

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 18-07-2024

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

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

“For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities and more particularly the Respondent no.6 to institute a mutation case on the basis of application filed by the petitioner on different dates i.e. 29.08.2011 and 02.09.2011 and several others for mutation of 10 Bighas of land situated in Mainpura Diyara, Thana No.140, Tauzi No.2453 and



5723 which was settled in favour of father of the petitioner by the erstwhile Jamindar namely Mahanth Hanuman Sharan Singh in the year 1932 vide a valid Hukunama and since then the aforesaid land is coming in peaceful possession of the petitioner and thereafter to allow the mutation case in favour of the petitioner after following the procedure prescribed under the Act and allow the petitioner to pay the rent of the aforesaid land to the State Government after obtaining valid rent receipt.

(ii) For a declaration that if the writ petitioner has approached the Respondent no.6 for mutation of aforesaid land and has produced in support thereof different documents, the Respondent no.6 cannot ignore to institute a mutation case and decide it in accordance with law, if the petitioner has already filed valid documents of settlement before the Respondent no.6 in the year 1932 itself as also other documents which they have prepared after vesting of Jamindari in the State?

(iii) For issuance of any other writ /writs, order/ orders, direction /directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. It is submitted by learned counsel for the petitioner that Tauzi Nos. 5453 and 5723 of Thana No. 140, situated in Mauza-Mainpura Diyara originally belonged to erstwhile Jamindar, namely, Mahanth Hanuman Sharan Singh of Rajapur Hasanpur, Pargana-Phulwari, P.S. Digha, Patna as would be evident from the certified copy of Register-D, Part – I, prepared by the respondent. A copy whereof has been obtained by the petitioner



on 05-03-2012.

4. It is next submitted that from the aforesaid Tauzi Nos. 5453 and 5723, the erstwhile Jamindar Mahanth Hanuman Sharan Singh had allotted 10 Bighas of land to the father of the petitioner *vide* a Hukumnama of 1932 and since then, the father of the petitioner was in peaceful possession of the said land.

5. Learned counsel for the petitioner submits that after death of the father of the petitioner, when the petitioner found that the aforesaid land was validly settled in the name of the petitioner's father by the erstwhile Jamindar Mahanth Hanuman Sharan Singh in the year 1932 itself, he filed different applications before the Circle Officer for mutation of the aforesaid land in his name so that he can pay rent and arrears of rent to the State of Bihar.

6. Considering the submissions advanced on behalf of the petitioner, the present writ petition stands disposed of with a liberty to the petitioner to file afresh representation before the Circle Officer, Patna Sadar, Patna (respondent No.6) preferably within a period of two weeks along with a copy of this order.

7. If such a representation is filed by the petitioner, then the Circle Officer, Patna Sadar, Patna, (respondent No.6) shall be under obligation to consider and dispose of the same by a



reasoned and speaking order in accordance with law within a further period of eight weeks from filing of representation.

8. With the aforesaid direction, writ petition is disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25-07-2024
Transmission Date	N/A

