

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15344 of 2017

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Md. Akabar @ Akbar Mian Son of Md. Yusuf, Resident of Village- Belaganj,
P.O.- Maujampatti, Police Station- Barahara Kothi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue,
Government of Bihar, Patna.
2. The Collector, Purnea.
3. Circle Officer, Barahara Kothi, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pandey, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC25

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT

Date : 13-08-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed
for following relief(s):-

*“1. That the present application is being
filed for setting aside an order dated 20.1.2017
passed by Circle Officer/Respondent No.3 in
Mutation Case No. 1787 of 2016-17 by which
prayer of the petitioner for mutation his name in
the Government Record/Register-II has been
rejected without giving any reason.”*

3. The matter relates to the land recorded under
Khata No. 162, Khesra No. 410, Area 1.02 decimals, P.S. No.
318, situated at village Chahbacha.

4. Learned counsel for the petitioner submits that



the Circle Officer, Barahara Kotihi, Purnea/Respondent no.3, without giving an opportunity of hearing to the petitioner, straightway rejected the prayer for mutation of petitioner in the Government Record/Register-II vide order dated 20.01.2017 passed in Mutation Case No. 1787 of 2016-17.

5. At the outset, the learned counsel for the State submits that under Section 7 of the Bihar Land Mutation Act, 2011, the petitioner has an alternative remedy for redressal of his grievance by way of filing an appeal before the Land Reforms Deputy Collector, Dhamdaha against the order dated 20.01.2017 passed by the Circle Officer, Barahara Kothi, Purnea/Respondent no.3 in Mutation Case No. 1787 of 2016-17.

6. Having regard to the facts and circumstances of the case, the writ petition is disposed of with a liberty to the petitioner to file an appeal under Section 7 of the Bihar Land Mutation Act, 2011 before the Land Reforms Deputy Collector, Dhamdaha who, after hearing all the parties concerned and after going through the records, will dispose of the same within a period of thirty days from the date of filing of appeal by the petitioner.

7. It goes without saying that if any question of limitation arises before the appellate authority, the same shall be



considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2024
Transmission Date	

