

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3483 of 2024

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Pappu Sah S/o Ram Sundar Sah, Resident of Village- Asogi, P.S. - Riga,
District- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Land and Revenue,
Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Deputy Collector, Land Reforms, Sitamarhi.
4. The Circle Officer, Dumra, District- Sitamarhi.
5. Vinod Mishra, Son of Late Mahanth Raghunath Das, Resident of village-
Janki Asthan, Ward No.2, P.S. and District- Sitamarhi.
6. Vijay Mishra, Son of Late Mahanth Raghunath Das, Resident of village-
Janki Asthan, Ward No.2, P.S. and District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate Mr. Subodh Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, GA-2 Mr. Ranjan Prakash, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-06-2024 Heard Mr. Surendra Kishore Thakur, learned counsel

for the petitioner and Mr. Ranjan Prakash, learned AC to GA-2.

2. The present petition has been preferred for the
following reliefs:

*(i) for issuance of writ or writs in
appropriate nature of mandamus directing
and commanding the respondents authorities
specially the Circle Officer to mutated the
land in the name of the petitioner in view of
the order passed by the Deputy Collector,
Land Reforms, Sitamarhi in Mutation Appeal
Case No. 3/2017-18 whereby the order of the
Circle Officer, Dumra was set aside and
directed to take appropriate step for*



mutation;

(ii) for further direction to the respondent District Magistrate, Sitamarhi and the Deputy Collector, Land Reforms, Sitamarhi to take appropriate action against Circle Officer concerned but despite of the order passed in Mutation Appeal till date has neither passed any order for mutation nor has disposed of representation of the petitioner by fixing the date of hearing.

3. Learned counsel for the petitioner submits that he purchased a piece of land from the recorded tenant Vinod Mishra and Vijay Mishra (respondent nos. 5 and 6). The land in question is appertaining to Municipal Survey Plot No. 823 under Thana No. 259 measuring an area of 8.16 Dhur equivalent to 1.63 Decimils situated under Municipal Sitamarhi, Ward No. 1, District- Sitamarhi.

4. He submits that later, the petitioner preferred petition for mutation of the land before the respondent no. 4, the Circle Officer, Dumra and despite the positive report of the halka karamchari, the Circle Officer chose to reject the mutation of the petitioner. (Annexure P/2 to the petition).

5. Aggrieved, he preferred Mutation Appeal No. 3/2017-2018 before the Deputy Collector, Land Reforms, Sitamarhi which came to be disposed of on 02.06.2017 after



hearing the parties and the DCLR, Sitamarhi set aside the order passed by the Circle Officer, Dumra in Mutation Case No. 5510/2015-2016 (Annexure P/3 to the petition).

6. Learned counsel for the petitioner took this Court to paragraph 13 in which it has been clearly incorporated that despite passage of seven years, no revision has been preferred by the parties.

7. The case of the petitioner is that despite specific order/direction of the DCLR, Sitamarhi, the Circle Officer, Dumra chose to look the other way inasmuch as the mutation order has still not been passed in his favour.

8. Learned AC to GA-2, on the other hand, submits that though there is an order in his favour and according to him, no revision has been filed, there is nothing on record to show that pursuant to the said order, he ever preferred any petition before the Circle Officer, Dumra for the mutation of the land.

9. In that background, the contention of the petitioner that the Circle Officer, Dumra sat over the matter is fit to be rejected.

10. This Court has gone through the facts of the case and the documents on record and finds force in the contention of learned State Counsel that though there is an order in his favour,



it is not the case of the petitioner that he ever approached the Circle Officer, Dumra with the order to mutate the land in his favour.

11. However, it is also a fact that the DCLR, Sitamarhi after passing the order must have communicated the same to the Circle Officer, Dumra who should have taken up the matter to its logical conclusion.

12. To cut short the matter, learned counsel for the petitioner submits that he will be filing a petition alongwith the certified copy of the order of the DCLR, Sitamarhi within four weeks from today. In case, such petition is filed alongwith the order and if the contention of the petitioner that no revision has been filed despite passage of seven years, the Circle Officer is duty bound to pass an appropriate order in favour of the petitioner after hearing the necessary parties preferably within a period of three months from the date, the petition is preferred by the writ petitioner.

13. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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