

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4304 of 2024

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1. Dilip Kumar Jain Son of Late Mahavir Prasad Jain, Resident of - Nehru Road, Thakurganj, P.O. and P.S. - Thakurganj, District - Kishanganj.
 2. Pawan Kumar Jain, Son of Late Mahavir Prasad Jain, Resident of - Nehru Road, Thakurganj, P.O. and P.S. - Thakurganj, District - Kishanganj.
 3. Rohit Kumar Jain, Son of Late Mahavir Prasad Jain, Resident of - Nehru Road, Thakurganj, P.O. and P.S. - Thakurganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kishanganj.
2. The Circle Officer, Thakurganj Circle, District - Kishanganj.
3. Rajesh Jain, Son of Late Mahavir Prasad Jain, Resident of Nehru Road, Thakurganj, P.O. and P.S. - Thakurganj, District - Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Om Prakash Singh, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-3
		Mr. Bipin Kumar, AC to SC- 3
		Mr. Satish Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2024 Heard the parties.

2. The present petition has been preferred for the following relief(s):

(i) to set aside the order dated 11.07.2023 passed by Circle Officer, Thakurganj (Respondent No. 2) in Mutation Case No. 14007 R27/2022-2023 whereby and whereunder order of mutation has been passed in favour of private respondent no. 3 without notice to the Petitioners, which is complete violation of Principal of Natural Justice and as well as against the mandate of Bihar Land Mutation Act 2011 read with the Bihar Land



Muatation Rules, 2012 with respect to the Land as detailed in the scheduled mentioned in Annexure-3 attached herewith;

(ii) Issuance of writs in the nature of mandamus commanding the state respondent specifically to the respondent no. 2 to pass the fresh mutation order after giving proper opportunity to the petitioners.

3. The petitioners have challenged the order of the Circle Officer in Mutation Case No. 14007R27/2022-23 disposed of on 11.07.2023 which has been passed in favour of the respondent no. 3 (Rohit Kumar Jain), who is own brother of the petitioners herein. The description of the land is as follows:

Khata No.	Plot No.	Area
21	2295	44.736 decimals
371	2299	12.264 decimals

4. At the outset, Mr. Sunil Kumar Mandal, learned Standing Counsel No. 3 for the petitioners submit that an order has been passed by the Circle Officer, Thakurganj, Kishanganj and the remedy lies by filing a proper petition against the said order before the Deputy Collector Land Reforms, Kishanganj but the petitioners have invoked the writ jurisdiction.

5. This Court finds force in the contention of learned State Counsel.



6. Learned counsel for the petitioners submit that they will prefer an appropriate petition before the D.C.L.R., Kishanganj within a period of four weeks.

7. The writ petition stands disposed of with a direction to the D.C.L.R. Kishanganj that if the petitioner prefers a petition within the aforesaid period, the same shall be taken to its logical conclusion in next four months after hearing all the parties including the respondent no. 3.

(Rajiv Roy, J)

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