

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6471 of 2024

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Kumar Vaibhav Vikash Son of Sri Madan Mohan Prasad, resident of Mohalla-South of Pancham Bhawan, Tara Nagar, Madhubani, P.S.- K. Hat, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Purnea.
3. The Additional Collector, Purnea.
4. The Deputy Collector Land Reforms, Sadar, Purnea.
5. The Circle Officer, Purnea East, Purnea.
6. Bhagirath Prajapati, the Revenue Karamchhari of Revenue Halka Nagar Nigam A/1, Circle Office, Purnea East, Purnea P.S.- K. Hat, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand
For the Respondent/s : AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2024 1. Heard learned counsel for the petitioner and learned AC to GP-6.

2. Learned counsel for the petitioner submits that the land in dispute in the instant writ petition pertains to Mouza-Maharajganj, Khata No. 238, Khata No. 02, Plot No. 05, area 5.25 decimal of land and Plot No. 09, Area 1.05 decimal of land. It is next submitted that the land in dispute belongs to Madhumita Sen. It is further submitted that legal heirs of Madhumita Sen had given a registered power of Attorney No. 6081 dated 16-11-2007 in favour of Pradeep Kumar Barnawal



and the said Pradeep Kumar Barnawal sold the land by a registered sale deed to one Amar Kumar Keshari and Amar Kumar Kesari vide registered sale deed No. 11069 dated 11-08-2018, sold the land to Peeyush Kumar Keshari, and the petitioner purchased the land in question from Peeyush Kumar Keshari by registered sale deed No. 11394 dated 18-8-2018.

3. It is next submitted that petitioner after purchasing the land in question filed Mutation Case No. 2044, R-27 of 2019-20 before the Circle Officer, Purnea East, Purnea. It is next submitted that based on the mechanical report of the *Karamchari*, the Circle Officer, Purnea East rejected the mutation application by an order dated 25-12-2019 (Annexure-1). It is next submitted that against the order dated 25-12-2019 passed by the Circle Officer, Purnea East, the petitioner filed Mutation Appeal No. 75 of 2019-20 before the DCLR, Sadar Purnea. The Mutation Appeal No. 75 of 2019-20 came to be allowed by an order dated 16-09-2023 (Annexure-2). It is submitted that the order of the Circle Officer was set aside in appeal by the DCLR, but still the Circle Officer, Purnea East for reasons best known was not complying with the order of the of the appellate authority which led the petitioner to move before the Divisional Commissioner, Purnea seeking a direction upon



the Circle Officer to comply with the orders of the appellate authority. It is submitted that the Divisional Commissioner also after hearing the party passed order dated 30-5-2024 contained in Memo no. 467 (Annexure R-3 to rejoinder to the counter-affidavit filed by the petitioner), wherein a specific direction was given to the Circle Officer to comply the order of the appellate authority in appeal No. 75 of 2019-20. It is submitted that despite order of the appellate authority and the Divisional Commissioner, the Circle Officer is sitting tight over the matter and the reason is obvious that he intends his hands to be greased. Learned counsel fairly submits that if for any reason the Circle Officer is aggrieved by the order of the appellate authority and the Divisional Commissioner, he has remedies available in law to approach a court of competent jurisdiction but then not having done so, the Circle Officer cannot sit over the orders of his superior authority which amply demonstrates that it is a clear cut case of insubordination.

4. The learned counsel appearing on behalf of the State is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner based on the pleadings made in the counter affidavit nor is in a position to demonstrate that the Circle Officer against the appellate order



and the order of the Divisional Commissioner has moved before a court of competent jurisdiction in accordance with law, if he is aggrieved by their order.

5. Considering the submissions made by learned counsel for the parties, the Circle Officer, Purnea East, is directed to mutate the name of the petitioner over the land in question in view of the order passed by the D.C.L.R., Sadar Purnea, and the Divisional Commissioner, Purnea Division, in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

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