

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5978 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 Karamchari 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	:	Mr. K.P. Gupta, G.P-10
		Mr. Satya Vrat, AC to GP-10

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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-10.

2. The learned counsel for the petitioner submits that the land in dispute in the instant writ application pertains to Mouza – Maharajganj bering Thana No. 238, Khata No. 02, Plot No. 04, Area 4.62 decimal and Plot No. 09, Area 1.26 decimal of land. It is submitted that the land belonged to one Madhumita Sen. It is next submitted that legal heirs of Madhumita Sen registered a power of Attorney No. 6081 dated 16-11-2007 in favour of Pradeep Kumar Barnwal and the said Pradeep Kumar



Barnwal sold the aforesaid land by a registered sale deed to Amar Kumar Keshari and Amar Kumar Keshari sold the aforesaid land by registered sale deed No. 11069 dated 11-8-2018 to Hari Shankar Kumar, it is next submitted that Hari Shankar Kumar sold the aforesaid land to the petitioner by registered sale deed No. 14094 dated 5-10-2018.

3. Learned counsel appearing on behalf of the State submits that though it has been pleaded that the petitioner purchased the land from Hari Shankar Kumar by a registered sale deed but then the said registered sale deed is not part of the writ application.

4. Learned counsel for the petitioner further submits that thereafter petitioner applied for mutation of the land in question by filing Mutation Case No. 2046, R-27 of 2019-20 before the Circle Officer, Purnea East, Purnea. It is further submitted that the Circle Officer, Purnea East, based on a mechanical report of the *Karamchhari* rejected the Mutation Case No. 2046, R-27 of 2019-20 of the petitioner vide his order dated 25-12-2019 (Annexure-1). It is next submitted that petitioner being aggrieved by the order dated 25-12-2019 passed by the Circle Officer preferred an appeal before the Deputy Collector Land Reforms (for short 'D.C.L.R.'), Sadar, Purnea by filing



Mutation Appeal No. 74 of 2019-20, and the same was allowed in favour of the petitioner by an order dated 16-9-2023 (Annexure-2).

5. The learned counsel next submits that after the order of the Circle Officer was set aside in appeal by the D.C.L.R., the Circle Officer had no option but to mutate the land in question in favour of the petitioner, when no revision against the order of the D.C.L.R. has been preferred either by the Circle Officer or by any aggrieved person, thus the order of the D.C.L.R. has attended finality.

6. The learned counsel appearing on behalf of the State submits that a counter-affidavit has been filed on behalf of the Circle Officer and draws the attention of the Court to Para-14 of the counter-affidavit to submit that petitioner also filed a case before the Public Grievance Redressal Officer, Purnea, wherein memo dated 15-4-2024 was issued to the Circle Officer, Purnea East, for mutating the name of the petitioner over the property but the Circle Officer, Purnea East, vide his letter No. 1269 dated 27-4-2024 (Annexure-E to the counter-affidavit) submitted a report stating that the subject property is the government land, which was acquired vide notification No. 1432 dated 19-9-1976 and notification No. 3014 dated 27-9-



1996, as such, the mutation of the property in question cannot be done.

7. Learned counsel for the petitioner vehemently rebuts the said submission of the learned counsel appearing on behalf of the State and submits that what is not in dispute rather stands admitted is that the order rejecting the mutation application of the petitioner by the Circle Officer stands set aside by the D.C.L.R in appeal as such the Circle Officer has no option but to mutate the land in favour of the petitioner. It is also submitted that if the Circle Officer was aggrieved by the order of the D.C.L.R., in that event, he had an option of availing his remedy in accordance with law, but then same not having taken recourse to, the petitioner cannot be deprived of the fruits of the appellate order. Learned counsel for the petitioner fairly submits that from the pleadings made in the counter-affidavit, it is clear that the Circle Officer has not taken recourse against the appellate order passed by the D.C.L.R. in accordance with law.

8. At this stage, the learned counsel for the petitioner draws the attention of the Court to the supplementary affidavit filed on behalf of the petitioner, wherein the Divisional Commissioner, Purnea Division, vide his order dated 30-5-2024 (Annexure-4 to the supplementary affidavit) contained in Memo



No. 467 has directed the Circle Officer, Purnea East, to mutate the name of the petitioner over the land in dispute in the present writ application. It is next submitted that it absolutely does not stand to reason that as to why the Circle Officer, Purnea East, till date has not even bothered to comply the order of the Divisional Commissioner, which amply demonstrates that the Circle Officer is waiting for his hands to be greased.

9. Learned counsel appearing on behalf of the State is not in a position to rebut the said submission of the learned counsel appearing on behalf of the petitioner.

10. 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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