

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6377 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-7

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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-7.

2. The Court feels perturbed and disturbed by the
conduct of the Circle Officer, Purnea East, for reasons to be
recorded hereinafter.

3. Learned counsel for the petitioner submits that since
hand of the Circle Officer, Purnea East, is not greased by the
petitioner as such he is playing tantrums and has the audacity not
to comply with the orders of his superior which is a clear case of
insubordination. The learned counsel next submits that based on
the facts, it would be a fit case where the competent authority be



directed to proceed departmentally against the Circle Officer, Purnea East.

4. The learned counsel appearing on behalf of the petitioner submits that the land in dispute in the present case pertains to Mouza- Maharajganj, Thana No. 238, Khata No. 02, Plot No. 05, Area 4.02 decimal of land. It is next submitted that the land belonged to Madhumita Sen and her legal heirs had executed a power of attorney No. 6081 dated 16-11-2007 in favour of one Pradeep Kumar Barnwal and the said Pradeep Kumar Barnwal sold the aforesaid land through registered sale deed to Amar Kumar Keshari, and Amar Kumar sold the land in dispute by a registered sale deed No. 11094 dated 10-8-2018 to Ram Kumar Keshari. It is next submitted that Ram Kumar Keshari sold the said land to the petitioner by a registered sale deed No. 11394 dated 18-8-2018.

5. It is next submitted that petitioner after purchasing the land in question filed Mutation Case No. 2045, R-27 of 2019-20 before the Circle Officer, Purnea East, Purnea for mutating his name over the purchased land. It is submitted that based on a mechanical report of Karamchari, the Circle Officer, Purnea East, without applying his mind in a mechanical manner rejected the Mutation Case No. 2045, R-27 of 2019-20 vide order dated 25-12-2019 (Annexure-1). It is next submitted that petitioner being



aggrieved by the order dated 25-12-2019 moved in appeal before the DCLR, Sadar Purnea, by filing Mutation Appeal No. 77 of 2019-20 and the same was allowed by an order dated 16-9-2023 (Annexure-2).

6. It is submitted that the Circle Officer was not obeying the order of his superior in appeal as such the petitioner was constrained to move before the Divisional Commissioner, Purnea Division, seeking a direction upon the Circle Officer to comply the order passed in appeal.

7. Learned counsel thereafter draws the attention of the Court to the reply filed by the petitioner to the counter-affidavit on behalf of Respondent No. 2 and submits that from perusal of Annexure R/3, it would manifest that the Commissioner, Purnia Division, vide his order contained in Memo No. 467 dated 30-5-2024, directed the Circle Officer to comply with the order passed by the DCLR in Mutation Appeal No. 77 of 2019-20. It is submitted that despite orders of the DCLR and the Divisional Commissioner, the Circle Officer is bent upon not complying the orders. It is also submitted that if the Circle Officer for any reason is aggrieved by the orders of his superior, in that event, he has remedy of approaching a court of competent jurisdiction in accordance with law, but then not having resorted to the said remedy, it does not lie in the mouth of



the Circle Officer to sit over the orders of his superior, which is nothing but a clear indication of insubordination for which the Circle Officer is required to be proceeded departmentally.

8. The learned counsel for the petitioner thereafter submits that petitioner is being harassed by the Circle Officer which has led to filing of CWJC No. 5978 of 2024 and CWJC No. 6350 of 2024, as the petitioner had purchased the land of Madhumita Sen as detailed in the said writ applications and in all the cases, the order of the Circle Officer was set aside in appeal by the DCLR and thereafter the Commissioner also by the aforesaid memo as recorded in the instant application had directed the Circle Officer to comply with the order in appeal, but then the Circle Officer sat over the matter requiring the petitioner to approach this court by filing four different writ applications, the other being CWJC No. 6471 of 2024. It is next submitted that the Circle Officer, despite orders of the superior authority, is not complying their orders for obvious reasons that his hand has not been greased or else the order of the superior authority would have been complied by now and the petitioner would not have been required to approach this Court by filing unwarranted litigation.

9. The learned counsel appearing on behalf of the State vehemently rebuts the said submission of the learned counsel



appearing on behalf of the petitioner and submits that petitioner by misleading the appellate authority and the Divisional Commissioner has obtained the order, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that if the order has been obtained by misleading the superior authority, in that event, the Circle Officer ought to have moved before a court of competent jurisdiction for getting the order set aside but then not having done so, amply gives credence to the submissions made by 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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