

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7465 of 2017

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Raj Kumar Pandit son of late Ramakant Pandit, resident of Village- Alampur
Gonpura, Police Station- Phulwari Sharif, Patna- 801505, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector of the District Collectorate, Patna.
3. The Deputy Collector, Land Reforms, Sadar, Patna.
4. The Circle Officer, Phulwari Sharif Circle, Phulwari Sharif, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL JUDGMENT

Date : 13-08-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for
following reliefs:

*“1.(i). To issuance of writ, order
or direction in the nature of
certiorari/Mandamus, quashing the order
dated 07.03.2014 passed by the respondent
no.4 Circle Officer in Mutation Case No. 10
of 2013-14 (Annexure-6) by which Mutation
Case filed by the petitioner has been
rejected thrice one after another on the*



fictitious grounds that the petitioner is not in possession over the land bearing Thana no. 69, Khata no. 25 Plot No. 537 area 35 decimals situated at Mauza Ismailpur and with regard to Khata no.25, Plot No. 730 area 39 decimals, one Ganesh Singh has told that his grand father late Mahabir Singh had purchased the same through the registered sale deed;

(ii) In consequence, be further pleased to direct the respondents to mutate the name of the petitioner and register-II be opened or be corrected over the land in question and to collect rent whatsoever been incurred, from the petitioner for which the petitioner is ready to pay and issue rent receipt in the name of the petitioner.

(iii) To pass such other order or orders, as to Your Lordship may deem fit and proper.”

3. Learned counsel for the petitioner submits that petitioner is the owner and possessor of the land bearing Thana



No. 69, Khata No. 25, Survey Plot No. 537 measuring an area 35 decimals and survey Plot No. 730 measuring an area 39 decimals both situated at Mauza Ismailpur, survey P.S. Phulwari Sharif, at present, P.S. Gauri Chak, District- Patna. Learned counsel further submits that in the year 2009, the petitioner made an application before Circle Officer bearing Mutation Case No. 2706/5 of 2009-10 praying therein to mutate his name and prepare Register-II in his name. It is further stated that on 28.02.2013, respondent no.4 Circle Officer rejected the application of the petitioner on the ground that the petitioner was not in possession of the land in question. Against the order dated 28.02.2013, the petitioner preferred Mutation Appeal No. 10 of 2013-14 before respondent no. 3, DCLR, Patna Sadar. The respondent no.3 vide order dated 24.10.2013 (Annexure-5), allowed the said appeal and set aside the order dated 12.09.2012 and order dated 28.02.2013 and further directed to respondent no.4 to take action for mutation in compliance of the order dated 25.02.2011 passed in Mutation Appeal No. 26 of 2010-11. The petitioner placed the order dated 24.10.2013 passed in Mutation Appeal No. 10 of 2013-14 before the Circle Officer and prayed for to mutate the name of the petitioner over the land in question as per the direction made in the said appellate court's order, but



once again, respondent no.4, Circle Officer rejected the claim on the same grounds. Learned counsel further submits that till date no one came forward before respondent no.4, Circle Officer claiming that he is in possession over the land in question. Learned counsel, therefore, submits that the order dated 07.03.2014 (Annexure-6) is bad in law, wrong and illegal and the same is liable to be quashed.

4. On the other hand, learned counsel for the State has filed counter affidavit to the present writ application. However, after some arguments, learned counsel for the State submits that the petitioner is having an alternative remedy by way of filing appeal before the DCLR under Section 7 of the Bihar Land Mutation Act, 2011.

4. Considering the above fact that the petitioner is having an alternative remedy, the petitioner is directed to file appeal before the Deputy Collector Land Reforms, Sadar, Patna (Respondent No. 3 herein) as per the provisions of Section 7 of the Bihar Land Mutation Act, 2011 along with application of condonation of delay and the Respondent No. 3, after considering the fact that the petitioner was pursuing his remedy before this Court will condone the delay and dispose of the appeal in accordance with law.



5. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Alok Verma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.08.2024
Transmission Date	N/A

