

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13628 of 2024

Vijay Tahlani, Son of Late Manghan Das, Resident of Ward No. 1, Janki Sthan, P.S.- Town, District- Sitamarhi, presently residing at B-211, Sector-108, NOIDA, Gautam Buddha Nagar, P.S.- Sector- 39, NOIDA, Uttar Pradesh- 201304

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Water Recourse Department, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Sitamarhi
4. The Additional District Magistrate cum Additional Collector, Sitamarhi.
5. The Deputy Collector Land Reforms, Sitamarhi (Sadar)
6. The Circle Officer, Riga, Sitamarhi.
7. The Anchal Amin, Riga, Sitamarhi.
8. The Executive Engineer, Bagmati Pramandal, Sitamarhi.
9. Kumud Kumari Singh, W/o Raghvendra Kumar, R/o Mohalla- Ring Bandh, Ward No. 14, Nagar Nigam, P.S.- Sitamarhi, District- Sitamarhi.
10. Renu Kumari W/o Vimledu Kumar Tiwari, R/o Mohalla- Ring Bandh, Ward No. 14, Nagar Nigam P.S.- Sitamarhi, District- Sitamarhi.
11. Rita Thakur, W/o Madan Mohan Thakur, R/o Mohalla- Ring Bandh, Ward No. 14, Nagar Nigam, P.S.- Sitamarhi, District- Sitamarhi.
12. Dhruv Kumar Gupta, S/o Late Baliram Prasad, R/o Mohalla- Ring Bandh, Ward No. 14, Nagar Nigam, P.S.- Sitamarhi, District- Sitamarhi.
13. Vaibhav Kumar, S/o Vimlendu Kumar, R/o Mohalla- Ringh Bandh, Ward No. 14, Nagar Nigam, P.S.- Sitamarhi, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2024 Heard Mr. Vatsal Verma, learned counsel for the

petitioner and Mr. Subhash Chandra Mishra, learned counsel for

the State.



2. The petitioner is aggrieved by the order dated 11.07.2022 passed in Mutation Case No. 1672 R27/2022-2023/Riga, by which the mutation case filed by the petitioner has been rejected with respect to the land in question, which was duly purchased by the petitioner through registered sale deed dated 23.06.2022 from one Shatrughan Prasad, who is said to be khatiyani raiyat of the land.

3. On being aggrieved by the order dated 11.07.2022, the petitioner has also preferred Mutation Appeal Case no. 129 of 2022-23, which also came to be rejected and thus the petitioner has preferred Mutation Revision Application no. 60 of 2023-24, which is pending adjudication before respondent no.4.

4. Learned counsel for the petitioner contended that despite having purchased the land through a registered sale deed, the petitioner has not been allowed the possession over the land in question by the private respondents with collusion of the State officials. It is also the contention of the petitioner that surprisingly over the same khesra, other three persons have been allowed to construct their houses after mutation of the land in their favour but, so far the petitioner is concerned, he has been discriminated and has not been allowed to take possession of the land on the erroneous ground that the land belongs to the State



Government. However, the State respondents have never produced any document that the land has ever been acquired or the revenue record suggests that the land belongs to the State Government. It is further contended that during the pendency of the revision application, the private respondents approached before the circle officer for demarcation of the land and without proper notice or opportunity of hearing, the land was demarcated in a collusive manner.

5. On the other hand, learned counsel for the State submitted that since the matter is pending before respondent no.4, he would be the Competent Authority to look into all the matters and dispose off the Mutation Revision Application no. 60 of 2023-24.

6. Considering the submissions advanced by the learned counsels for the respective parties, this Court deems it fit and proper to dispose off the writ petition with a direction to respondent no.4 to take up Mutation Revision Application no. 60 of 2023-24 and dispose off the same by a reasoned and speaking order based upon the records, preferably within a period of three weeks from the date of receipt/production of a copy of this order, after giving proper opportunity of hearing to all the stake holders.



7. Suffice it to say that the State officials shall also ensure their appearance in Mutation Revision Application no. 60 of 2023-24 and shall produce the relevant document(s) in support of the claim that the land belongs to the State Government in order to resolve the dispute.

8. The writ petition stands disposed off.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

