

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13419 of 2023

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PRIYAWART PANDAY SON OF LATE SARJU PANDEY,
PERMANENT RESIDENT OF VILLAGE- PACHHATH, P.S.-
BODH GAYA, DISTRICT-GAYA, AT PRESENT RESIDING AT
VILLAGE AND P.O.- URUGUTTU, P.S.-PITHORIA, DISTRICT-
RANCHI (JHARKHAND).

... .. PETITIONER/S

VERSUS

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, REVENUE AND LAND REFORMS DEPARTMENT, GOVT. OF BIHAR, PATNA.
2. THE DISTRICT MAGISTRATE, GAYA, DISTRICT-GAYA.
3. THE ADDITIONAL DISTRICT MAGISTRATE (LAND REFORM), GAYA, DISTRICT-GAYA.
4. THE DEPUTY COLLECTOR OF LAND REFORMS (L.R.D.C.), GAYA, DISTRICT- GAYA.
5. THE CIRCLE OFFICER, BODH GAYA CIRCLE, DISTRICT-GAYA.

... .. RESPONDENT/S

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Appearance :

For the Petitioner/s : Sri Rajendra Narayan, Sr. Advocate
 Mr. Onkar Kumar , Advocate
 Mr. Nawal Kishor Singh, Advocate

For the Respondent/s: Mr. Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 29-01-2024

Re: I. A. No. 1 of 2023



This interlocutory application has been filed for addition in the prayer portion of the instant writ application for quashing of the order dated 09.10.2023 passed by the Circle officer, Bodh Gaya (respondent No. 5) in Mutation Case No. 6880 R27/2022-23, whereby and whereunder the application has been rejected on the ground that the registered sale deed in the name of the petitioner has been registered in Kolkata (W.B.).

2. In view of the matter, I.A. No. 1 of 2023 shall be treated as a part of the writ petition.

Re: CWJC No. 13419 of 2023

This writ application has been filed for issuance of appropriate direction to the respondents authorities to create mutation (Jamabandi) in the name of petitioner and to issue rent receipt in favor of the petitioner for the land situated at Mauza-Bodh Haya, Thana No. 359, Khta No. 662, Khesara (plot() No. 312, 313, 316, 1770, 1771, 1772 AND 1773, Total Area 12 Acre, 75 decimals) which has been purchased by the petitioner through registered sale deed bearing sale deed



No. 2030, Book No. I, Volume No.III, Pages 288 to 290, dated 14.11.1981, registered at the office of the Registrar of Assurance, Kolkata (W. B.) executed by Mritunjay Giri, Chela Mahanth Harihar Giri in favour of petitioner.

2. It is the contention of the petitioner that petition had purchased the land situated at Mauza-Bodh Gaya, Thana No. 359, Khata No. 662, Plot No. 312, 313, 316, 1770, 1771, 1772, and 1773, total area 12 acres, 75 decimals, through a registered sale deed bearing sale deed No. 2030, Book No. I, Volume No.III, Pages 288 to 290, dated November 14, 1981, registered at Registrar of Assurance, Kolkata (W. B.) executed by Mritunjay Giri in favor of petitioner. Thereafter, the petitioner came into peaceful possession of the purchased land, and the entire land is in peaceful possession of the petitioner. It is further stated that after purchasing the property in 1981, the petitioner filed an application before the Circle Officer, Bodh Gaya, District-Gaya (respondent No. 5) on April 16, 1985, stating all the facts and requesting therein to create jamabandi in his favour for the



aforesaid land and accordingly issue a rent receipt to him for which petitioner had applied for online mutation on January 28, 2023, in the office of respondent No. 5, with all relevant documents mentioning the particulars of the land, but till date, no action has been taken by the respondent authorities to create the jamabandi in the name of the petitioner. Therefore, interference of the court is required.

3. Lastly, learned counsel for the petitioner submits that the the issue in question is no more res integra, as the same has already been decided by this High Court in the case of Deo Raj Kumar Prasad vs. State of Bihar, reported in 2002(1) PLJR page 600.

4. By filing a counter affidavit on behalf of respondent Nos. 2 to 5, it is submitted on behalf of the state that, as per law, the petitioner is required to deposit the deficit registration fee in the office of the District Sub Registrar, Gaya, and only after embossing the same by then the District Sub Registrar can consider it. In this case, the document has not been embossed by the



District Sub-Registrar, Gaya, nor has the deficit fee been paid, and hence, it cannot be considered for mutation.

5 . In reply, learned counsel for the petitioner submits that he is ready to pay the difference in stamp duty so that mutation in his favour may not be delayed due to the delay in disposal of this case.

6. In view of the aforesaid discussions, there does not appear to be any difficulty in allowing petitioner's prayer for mutation over the lands purchased by him on the condition that petitioner, as agreed, shall pay the differences in the stamp duty. The respondent No. 5, The Circle Officer, Bodh Gaya Circle, District-Gaya. is directed to consult the registration authorities and make a demand with regard to the difference in stamp duty from the petitioner within three weeks from the date of production/communication of a copy of this order before respondent No. 5. Thereafter, the petitioner should deposit the amount demanded on account of the difference in stamp duty, and an order for mutation must be passed by the concerned authorities within two weeks



from the date of such an order. Therefore, Annexure 7 to the writ petition is hereby quashed.

7. Accordingly, this writ application is disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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