

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16531 of 2024

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1. Navin Kumar son of Rambabu Prasad Resident of Village Ekdari, Ward No. 06, Near Dhramshala, P.S. Chauradano, District- East Champaran
 2. Shashi Devi wife of Rambabu Prasad Resident of Village Ekdari, Ward No. 06, Near Dhramshala, P.S. Chauradano, District- East Champaran
 3. Rahul Kumar Son of Robin Prasad Resident of Village Ekdari, Ward No. 06, Near Dhramshala, P.S. Chauradano, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Dept. of Revenue and Land Reforms, Govt. of Bihar, Patna
2. The Additional Chief Secretary, Dept. of Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur at Muzaffarpur
4. The Collector, East Champaran at Motihari
5. The Deputy Collector Land Reforms, Raxaul, at Raxaul, District- East Champaran
6. The Circle Officer, Chauradano, at Chauradano, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Asif Kalim, Mr.Rananjay Kumar, Advocates
For the Respondent/s	:	Md.Sajid Salim, SC 25

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-10-2024

In the instant writ petition, petitioners have prayed for
the following relief(s) :-

“(A) For issuance of an appropriate writ
quashing the order dated 19.08.2024 passed
in Mutation Revision No. 152/2023-24, by
Additional Collector, Motihati, whereby the
Additinal Collector, Motihari rejected the



Revision preferred by the petitioners and further without having any jurisdiction Circle Officer, Chauradano is directed to send proposal for cancellation of any Jamabandis if the same is created with respect of Khata No. 46 Khesra No. 148 and area 16.18 acre situated in Mauza Bhawanipur under Revenue Thana No. 173.

(B) For issuance of an appropriate writ commanding the Circle Officer, Chauradano to create Jamabandi in favour of the petitioners with respect of the Khata No. 46 Khesra No. 148 and area 16.18 acre situated in Mauza Bhawanipur under Revenue Thana No. 173 pursuant to the order dated 22.08.2023 passed in Mutation Appeal No. 05/2022-2023 by the Deputy Collector Land Reforms (DCLR), whereby DCLR, Raxaul had set aside the order dated 17.02.2022 passed by the Circle Officer, Chauradano and further directed the Circle Officer, Chauradano to pass fresh order in the light of



provision contained in Bihar Mutation Act, 2011.

(C) For issuance of an appropriate writ quashing the order dated 27.12.2023 passed by the Circle Officer, Chauradano whereby the Circle Officer, Chauradano again rejected the Mutation Case No. 2272R27/2023-24.

(D) For any other relief and reliefs for which the petitioner is entitled in the opinion of this Hon'ble Court.

2. Learned counsel for the petitioners submits that petitioners purchased the land pertaining to Khata No. 46, Khesra No. 148, Area 16.18 acres situated in Mauza Bhawanipur under Revenue Thana No. 173 from the rightful owner. It is submitted that petitioners approached the respondent no. 6 (Circle Officer, Chauradano, East Champaran) in Mutation Case No. 2902/R27/2021-22 but the respondent no. 6 by order dated 17.02.2022 rejected the mutation application. Thereafter, petitioners approached the D.C.L.R., Raxaul (respondent no. 5) in appeal in Mutation Appeal No. 03/2022-23. The D.C.L.R., Raxaul by order dated 22.08.2023 set aside the order passed in the mutation case and remanded the matter to the Circle



Officer, Chauradano for passing a fresh order. The respondent no. 6 rejected the claim of the petitioners regarding mutation of the land in question in favour of the petitioners by order dated 27.12.2023. Thereafter, against the order passed by respondent no. 6, petitioners filed revision before the Additional Collector, Motihari bearing Mutation Revision No. 152/2023-24, which was dismissed by virtue of order dated 19.08.2024.

3. Learned counsel appearing for the State submitted that petitioners have not approached the D.C.L.R. before jumping in forum of revision before the revisional authority. He further submitted that against the order passed by the Additional Collector, Raxaul, petitioners should have approached the B.L.T. but they have directly approached this Court without approaching the Bihar Land Tribunal, and hence, the present writ is not maintainable.

4. In the light of the aforesaid facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioners to approach the appropriate forum within a period of four weeks from the date of receipt of this order. The authority concerned is directed to consider the representation/application of the petitioners expeditiously as per law.



It is needless to mention that the period spent in pursuing the matter before this Court be considered sympathetically while dealing with the aspect of condonation of delay.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.10.2024
Transmission Date	

