

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16026 of 2024

Binod Kumar Singh Son of Late Kailashpati Singh Resident of Bhabua Ward
No 20, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. Collector Kaimur at Bhabua.
3. Additional Collector cum 1st Appellate Authority, Public Grievances Redressal Cell Kaimur at Bhabua.
4. Sub Divisional Public Grievances Redressal Officer, Bhabua.
5. Competent Authority cum District Acquisition Office, Kaimur at Bhabua.
6. Circle Officer, Bhabua, District- Kaimur.
7. Smt. Rajshree Devi, D/o Late Bhanu Pratap Singh, W/o Chandrabhan Singh, Resident of village Dohri, P.O. Shivpur, P.S. Jamalpur Tehsil- Chunar, District- Mirzapur (U.P.).
8. Ravi Shankar Singh Son of Sant Narayan Singh, Husband of Late Shyama Devi, Resident of Village Sonhan, P.O. and P.S. - Sonhan, District- Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Respondent/s : Mr. Additional Advocate General-13

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 24-10-2024

Heard learned counsel for the petitioner and learned AC
to AAG-13.

2. Learned counsel for the petitioner submits that the instant writ application has been filed seeking a writ of mandamus for a direction upon the respondent no. 6 i.e. the Circle Officer, Bhabhua, District Kaimur to issue land revenue receipt in the name of the petitioner in place of respondents no. 7 and 8 whose name has been fraudulently inserted in Register-II without any valid document of conveyance and without assigning any case



number with respect to lands pertaining to Khata No. 377, Plot Nos. 1928, 1930, 1923, 1933/2271, 1904, 1939, 1922/2270, 1932, 1935, 1910/2311, 1906, 1907, 1937, 1934, 1914/2314, 1936 and 1909/2318 having Thana No. 498, Pragna Chainpur, District Shahabad measuring 9.17 acres of land.

3. Learned counsel submits that father of the petitioner had purchased the aforesaid piece of land measuring 9.17 acres in name of the petitioner, who was a minor, vide Sale Deed No. 3063 in the year 1971 from Choudhary Bhanu Pratap Singh as father of his minor daughters Rajshree and Shyama Kumari for their personal need after taking due permission from the Circle Office, Bhabhua vide Case No. 265 of 1971-1972. It is further submitted that thereafter Jamabandi in name of the petitioner was created vide Mutation Case No. 08 of 1972 through his father as the petitioner at the relevant time was a minor.

4. At this stage, learned counsel appearing on behalf of the State submits that though number of the mutation case has been pleaded in the writ application but then Jamabandi created in pursuance of the said mutation case has not been pleaded.

5. It is further submitted by the learned counsel for the petitioner that the purchased land of the petitioner from Choudhary Bhanu Pratap Singh became a subject matter of a civil suit.



6. At this stage, learned counsel appearing on behalf of the State submits that the pleading is vague as the number of the civil suit is not pleaded.

7. Learned counsel for the petitioner next submits that the petitioner obtained an information under the RTI Act from the Circle Office, Bhabhua in 2012 with regard to the rent receipts being issued in respect of the land in dispute when he was informed by a letter dated 25.09.2012 that land receipt with respect to the land in question has been issued in favour of the petitioner from 1972-73 till 2012. It is submitted that thereafter the petitioner went to the office of the Circle Officer requesting to issue land receipt in his name when he was informed that the mutation has already been done in name of Rajshree Devi and Shyama Devi daughters of Choudhary Bhanu Pratap Singh, vendor of the petitioner on which the petitioner requested the Circle Officer to furnish the case number by which the land was mutated in favour of Rajshree and Shyama but no case number was provided by the Circle Officer. Thereafter, petitioner filed an application before the Sub-Divisional Public Grievance Redressal Officer, Bhabhua for redressal of his grievance but his application was disposed of by an order dated 22.11.2023 (Annexure-3) with a direction to the petitioner to file a mutation appeal. It is submitted that against the



order dated 22.11.2023, the petitioner preferred an appeal before the Additional Collector-cum-1st Appellate Authority, Public Grievance Redressal Cell, Kaimur at Bhabhua who also in a routine manner disposed of the appeal by an order dated 09.03.2024 (Annexure-4) directing the petitioner to file an appeal.

8. Learned counsel submits that it is his specific case in the writ application that when he approached the Circle Officer, Bhabhua requesting him to furnish the case number/order by which name of Rajshree and Shyama was mutated in his place, the same was not furnished, as such, there was no occasion for the petitioner to file an appeal against a non-existing order.

9. Learned counsel appearing on behalf of the State submits that the writ application has been filed seeking a writ of mandamus and the basic principles of writ of mandamus is demand and refusal and from perusal of the pleadings made in the writ application, it would manifest that no representation was filed by the petitioner before the Circle Officer asking him to furnish an explanation as to on what basis the name of Rajshree and Shyama was mutated with respect to the land in dispute. It is submitted that had such a representation been filed, the Circle Officer was obliged to dispose of the said representation by furnishing a reasoned explanation but the same has not been done.



10. Learned counsel for the petitioner, at this stage, realizing his difficulty submits that the petitioner may be permitted to file a representation before the Circle Officer that as to on what basis the name of Rajshree and Shyama was entered in the Register-II with respect to the purchased land of the petitioner from Choudhary Bhanu Pratap Singh.

11. After having heard learned counsel for the parties, the writ application is disposed of with a direction that if the petitioner files an application before the Circle Officer, Bhabhua within a period of six weeks from today, the Circle Officer, Bhabhua shall dispose of the said representation by a reasoned order within a period of twelve weeks thereafter from the date of filing of the representation.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.10.2024
Transmission Date	

