

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16872 of 2024

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Mala Mishra Wife of Raja Ram Mishra Resident of Road No. 4/A, S.K. Vihar Colony, P.S.- Beur, District- Patna at present residing at Road No. 12, Nahavir Colony, P.S.- Beur, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Deputy Collector Land Reforms, Patna Sadar, Patna.
4. The Circle Officer, Phulwarisharif, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Respondent/s : Ms. Purjanjali Sharma A.C. to SC 20

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 30-10-2024

In the instant petition, petitioner has prayed for the following relief(s):-

That this is an application for direction upon the Respondents Authority to pass Mutation Order in favour of the petitioner and issue rent receipt of land as the petitioner is absolute owner of the land measuring 1500sft situated at Mauza- Saichak, Mohalla- Mahavir Colony, Police Station- Beur, Circle- Phulwarishariff, District- Patna having Survey Plot no.340(part), Khata No.43, Thana no.32, Tauzi no.5068 in terms of Order dated-25-04-2022, passed by the Deputy Collector Land Reforms, Patna Sadar in Mutation Appeal no.76/2021-2022 as the petitioner is residing over the said



piece of land by constructing a pucca house since 2018. It is further prayed that a reasonable compensation be allowed for mental an physical agony on account of litigation and illegal rejection of h mutation application by the Circle Officer, Phulwarishariff.

2. Learned counsel for the petitioner submits that he has filed mutation case before the Circle Officer, Phulwarisharif and he has rejected the contention of the petitioner vide order dated 07.04.2021. Against the order of Circle Officer, petitioner has approached DCLR, Sadar, Patna and DCLR, Sadar, Patna has set aside the order passed by Circle Officer and allowed the claim of the petitioner on 25.04.2022 regarding the mutation of the land in question and the same is annexed as annexure-5 of the petition. He further submits that order of DCLR has been submitted before Circle Officer for compliance on 10.01.2023 and 24.05.2024 but the concerned Circle Officer has not complied the order of the superior authority and he has not given any reason as to why the order of superior authority has not been complied.

2. Learned counsel on behalf of the State conceded the submission of petitioner's counsel and submits that concerned Circle Officer has to follow the direction of superior authority, if any.



3. Considering the facts and circumstances of the case, it is crystal clear that the order of the superior authority has not been complied by the concerned Circle Officer and he has not given any specific reason as to why the said order has not been complied.

4. The concerned Circle Officer is directed to execute the order passed by DCLR, within a period of six weeks from the date of receipt of this order, if same has not been challenged before the superior authority.

5. Accordingly, the present petition stands disposed of

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	NA

