

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3068 of 2025

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Kanhai Kumar Son of Shree Sujay Sharma, Resident of Bhagjoga, Post
Office- Achua, Police Station - Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Additional Collector, Patna.
3. The Land Reform Deputy Collector, Paliganj, Patna.
4. The Circle Officer, Paliganj, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sharma, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. That the present writ petition has been filed for the
following relief :-

“for the issuance of an appropriate writ/writs, order/orders, direction/directions in nature of mandamus to remove discrimination among equal in matter of mutation of petitioner land wherein same and similar situated persons with respect to same and similar description of land (Annexure-P/6) were mutated in name of others persons but respondent no.3 in very mechanical manner rejected the petitioner mutation application vide order dated 25-03-2024 and affirmed the order dated 08-08-2023 passed by the respondent no.4. The petitioner further prays to direct the respondent authority to consider claim of petitioner mutation on



principal of equality before law which is fundamental right under Article 14 of the Constitution of India. And for any other reliefs/reliefs for which the petitioner is found to be entitled under the provision of law involved in the present case.”

3. Learned counsel for the State has raised a preliminary objection and submits that the petitioner has approached this Court for the issuance of a writ of mandamus, whereas the appropriate remedy would be a writ of certiorari, as there are two orders against him: the order passed by the Circle Officer and the order passed by the DCLR dated 25.03.2024. Learned counsel further submits that under the Bihar Land Mutation Act, 2011, the petitioner has the option to file a mutation revision before the superior authority, but instead, he has moved this Court.

3. Learned counsel for the State has raised a preliminary objection and submits that the petitioner has moved before this Court for issuance of a writ of mandamus as there is two orders which are against him i.e. order passed by the Circle Officer dated 08.08.2023 and the order passed by the DCLR dated 25.03.2024. Learned counsel further submits that under the Bihar Land Mutation Act 2011, the remedy is available to



the petitioner to file mutation revision before the superior authority but in respect thereof, he has move before this Court.

4. Learned counsel for the petitioner submits that, under similar facts and circumstances, the petitioner's application for mutation has not been entertained by the Circle Officer or its appellate authority, whereas the same land has been mutated in favor of the private respondent and other individuals.

5. After hearing the parties and perusing the documents, it transpires to this Court that the grounds for rejection have been stated in both the Mutation Case and the Mutation Appeal. Additionally, other grounds for allowing the application of other parties have not been addressed by the counsel for the petitioner in the present writ petition. Since a statutory appeal is already available to the petitioner, this Court is not inclined to interfere.

6. Accordingly, the writ petition stands dismissed granting liberty to the petitioner to challenge the order of appeal before the Revisional Authority.

(Dr. Anshuman, J)

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