

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17530 of 2017**

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1. Rajiv Kumar Son of Late Ram Prit Sharma,
2. Praveen Kumar, Son of Late Ram Prit Sharma,
3. Naveen Kumar, Son of Late Ram Prit Sharma, All Residents of Village-Aspura, Police Station- Bikram, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector Land Reforms, Paliganj, Patna.
5. The Circle Officer, Bikramganj Circle, Patna.
6. Vimal Singh, Son of Late Bajrangi Singh,
7. Rajesh Kumar, Son of Late Bajrangi Singh,
8. Ravindra Kumar Singh, Son of Late Bajrangi Singh,
9. Deepak Kumar, Son of Late Bajrangi Singh, All Residents of Village-Aspura, Police Station- Bikram, District- Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. J.S. Arora, Sr. Advocate<br>Mr. Manoj Kumar, Advocate<br>Mr. Ravi Bhatia, Advocate<br>Mr. Prabhat Ranjan Singh, Advocate<br>Mr. Rakesh Kumar, Advocate<br>Mr. Sachin Raj, Advocate |
| For the Respondent/s | : | Mr. Navnit Kumar, Gp18                                                                                                                                                                 |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      18-11-2025                      Heard Mr. J.S. Arora, learned Senior Counsel for the  
  
petitioners and the State.

2. The present petition has been preferred for the  
following relief/s:

*(i) for quashing the order dated 18.10.2017  
passed in Mutation Revision Case No. 21 of*



*2016-17 by the Court of Learned Additional Collector, Patna, whereby and where under the said revision application has been dismissed by affirming the order dated 13.06.2016 passed in Mutation Appeal Case No. 4 of 2015-16 by the Court of Learned Deputy Collector Land Reforms, Paliganj as well as the order dated 23.11.2013 passed in Mutation Case No. 1438 of 2013-14 passed by the Circle Officer, Bikramga allowing the mutation of the name of the respondent no. 6 to 9 with regard to the land in dispute;*

*(ii) also for quashing the order dated 13.06.2017 passed in Mutation Appeal No. 4 of 2015-16 by the Court of Learned Deputy Collector Land Reforms, Paliganj, whereby the order dated 23.11.2013, passed in Mutation Case No. 1438 of 2013-14 by the Circle Officer, Bikram has been affirmed rejecting the appeal filed by these petitioners;*

*(iii) also for quashing the order dated*



*23.11.2013, passed in 14 by the Circle Mutation Case No. 1438 of 2013 Officer, Bikram, Patna, whereby the name of the respondent no. 6 to 9 has been allowed to be mutated with regard to the property in dispute;*

*(iv) also for commanding the respondent authorities to get the name of the petitioner mutated with regard to the land in dispute after cancelling the mutation of the name of the respondent no. 6 to 9;*

*(v) also for any other appropriate relief(s) to which the petitioner is found entitled either in the eye of law or in the facts and circumstances of the case.*

3. The matter relates to the land as contained in paragraph-4 as under:

*“Thana No. 73, Khata No. 41 bearing Plot No. 1, 2, 3 & 4 having an area of 55 decimals and Khata of No. 41 bearing Plot No. 6, Area 45½ decimal, situated at Mauza Aspura, Police Station Bikram, District Patna”*

4. To cut-short of the matter, it is to be recorded that



the claim of the petitioners is that it being a joint property, the father of the respondent nos. 6 to 9 being own brother of their father, they wanted half of the share, the respondents herein earlier moved before the Patna High Court in C.W.J.C. No. 3272 of 2000 which came to be disposed of on 24.06.2005 (Annexure-1 to the petition) allowing them to file a proper suit before a competent Court granting interim protection that these petitioners will not try to dispose of the property in question (Annexure1 to the petition).

5. Subsequently, the respondents preferred suit before the competent Court which was taken up the learned Sub-Judge-II, Danapur (suit no.56 of 2006), Bimlesh Kumar Singh & Ors. vs. Rajeev Kumar & Ors. which came to be dismissed on 05.04.2013 and the Court held in clear terms that it being paternal property, the petitioners are entitled to half of the share (Annexure-2 to the petition).

6. The case of the petitioners is/are that thereafter, and as the Jamabandi was running in the name of the respondents, an application was given for mutation which was allowed by the Circle Officer, Patna vide an order dated 23.11.2013 (Annexure-3 to the petition).

7. Aggrieved, the petitioners moved before the



Deputy Collector Land Reforms, Paliganj, Patna which was dismissed on 13.06.2016 after holding that the mutation has taken place and though the petitioners talk about the suit no. 56 of 2006, the same was not produced/provided at the time of hearing (Annexure-5 to the petition).

8. Still aggrieved, Revision Case No. 21 of 2016-17 was preferred before the Court of Additional Collector, Patna which was disposed of on 18.10.2017 and the Additional Collector recorded that once the suit no. 56 of 2006 has been disposed of, there is nothing on record to show that the petitioners preferred any petition for mutation of land in their favour so far as 50% is concerned and only then any any order in accordance with law could have been passed.

9. This followed the present writ petition.

10. Learned Senior counsel for the petitioners submit that when the suit was decided in their favour, the Circle Officer, Bikram erred in passing the order in question which has been illegally stamped by the D.C.L.R., Paliganj as also the Additional Collector, Patna. The further submission is that though First Appeal No. 83 of 2020 has been preferred by the respondents, the same is pending and no stay order has been passed in the said case.



10. A counter affidavit has come on behalf of the respondent nos. 2 to 5 and para-14 read as follows:

*14. That it is stated and submitted that the Additional Collector, Patna in his 18.10.2017 has order held dated-the applicant Rajiv Kumar Singh and other had stated that there was Khangi Batwara' in 1974 but no supportive documents have been submitted. The applicants claimed half of the had 100.50 decimal land under Khata no.41 in view of the order passed in Title Suit no.56/2006. In this regard they should have submitted their application for mutation before the Circle Officer, Bikram.*

11. Learned State counsel submits that it is not the case of the petitioners that they ever preferred any petition before the Circle Officer, Bikram after an order came to be passed in the year 2013 and as such the Additional Collector was fully justified in passing the order in question.

12. Having heard the parties and perusing the record,



the facts of the case is/are:

*(i) the Jamanbandi of the suit land was running in the name of Bajrangi Singh, the father of respondent nos. 6 to 9;*

*(ii) the respondents no. 6 to 9 after the death of their father made an application and the Circle Officer, Bikram on the basis of report that earlier the rent receipt was issued in the name of the father of the respondents passed an order for mutation of the land;*

*(iii) the order came to be passed in Title Suit No. 56 of 2006, thereafter, the petitioners ought to have preferred a proper petition before the Circle Officer, Bikram for issuing notice to the respondents and after hearing to pass an appropriate order in the light of the order passed in the Title Suit No. 56 of 2006, the petitioners chose not to file such petition;*

*(iv) when the petitioners preferred*



*petition before the D.C.L.R., Paliganj, they failed to produce the order of the Title Suit No. 56 of 2006 for next three years;*

*(v) the D.C.L.R., Paliganj after recording the said fact and in view of the aforesaid that the rent receipt was running in the name of the respondents, rejected the same.*

13. The Additional Collector too has taken note of the fact that after the order has been passed by the Title Court, the petitioners never preferred any petition before the Circle Officer, Bikramganj.

14. Further, this Court has taken note of the stand of the respondents that the petitioners should have preferred a petition for mutation before the Circle Officer, Bikram so that an appropriate could have been passed.

15. In that background, the writ petition is disposed of allowing the petitioners to:

*(i) prefer a petition for mutation of half of the land in the light of the order passed in Title Suit No. 56 of 2006;*



*(ii) if such petition is preferred, the Circle Officer, Bikram is duty bound to issue notice to the respondent nos. 6 to 9;*

*(iii) after hearing all the parties and perusing the records, he/she is further duty bound to pass an appropriate/ reasoned order at an earliest.*

16. The entire exercise must be completed by 30.06.2026 by the Circle Officer, Bikram.

17. With the aforesaid observation, the writ petition is disposed of.

**(Rajiv Roy, J)**

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