

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5771 of 2019

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Rajiv Kumar Agrawal Son of Late Babu Arvind Kumar Agrawal Resident of
Mohalla- Mungeriganj, Police Station- Begusarai Town, Police Station-
Begusarai Town, P.O.- Anchal, Sub-Division, Sub-Registry and District-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Revenue and Land Reform, Government of Bihar, Old Secretariat, Patna, Bihar
2. The Secretary, Department of Revenue and Land Reform, Government of Bihar, Old Secretariat, Patna, Bihar
3. The Collector, Begusarai
4. Deputy Collector Land Reforms, Begusarai
5. Circle Officer, Begusarai
6. Circle Inspector, Begusarai
7. Karamchari, Circle Office, Begusarai
8. Jitendra Narayan Agrawal Son of Late Rabindra Narain Agrawal Resident of Mohalla- Mungeriganj, Police Station and District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Aastha Ananya, Advocate
For the State	:	Mr. Navnit Kumar (AC to GP-18)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 01-05-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

I. For quashing of the order dated 28.06.2017 passed
in Mutation Case No.1203/2016-17 and analogous cases as
wholly without jurisdiction as the Circle Officer has reviewed
his order which power is not conferred on him by statute and in



the teeth of embargo contained in provision of section 6(11) and (12) of the Bihar Land Mutation Act, 2011 which prohibit mutation of land in which Title Suit/Partition Suit is pending among co-sharer.

3. Learned Counsel for the petitioner submits that the property which is the subject matter of the Title (Partition) Suit No.188/1997 has been subject to the mutation, without considering this aspect of the matter that under Section 6(12) of the Bihar Land Mutation Act, 2011 (Act No. 23 of 2011), the law is very clear that for those property for which title suit is pending, no mutation could not be made.

4. This Court has directed the petitioner to show from the orders of the mutation as well as from the schedule of the plaint that which property is the subject matter of the plaint as well as the mutation case.

5. In response thereof, Counsel for the petitioner is not in a position to show it and submits that perhaps mistake has taken place on the part of the plaintiff as the plaint has been filed in the year 1997 and this mutation has been filed later on.

6. Upon specific query of the Court that whether any amendment has been filed in the plaint or not, Counsel for the petitioner submits that she is not aware that whether amendment



and the plaint has been filed or not. In this view of the matter, it creates doubt in the mind of the Court.

7. Learned Counsel for the State on the other hand submits that the said order dated 28.06.2017 passed in Mutation Case No.1203/2016-17 has been challenged by the petitioner in Mutation Appeal No.17/2017 before the Appellate Court in which final order has come on 12.06.2019 and now, remedy lies to the petitioner is before the revisional authority.

8. In this background, this Court is not inclined to grant any relief to the petitioner in the available facts and circumstances. Hence, this writ petition is hereby dismissed with liberty granted to the petitioner that he may avail his statutory remedy before the higher authority if, so advised.

(Dr. Anshuman, J)

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