

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8710 of 2021

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Abhay Pratap Singh, S/o Late Jainath Singh, R/o Mauza-Jaitpur Kalan, P.S.-
Bhagwanpur, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur (Bhabhua).
3. The Additional District Magistrate, Kaimur (Bhabhua).
4. The Deputy Collector of Land Reforms, Kaimur (Bhabhua).
5. Circle Officer, Bhagwanpur, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dudh Nath Singh, Adv.

For the Respondent/s : Mr. Ebadur Rahman Shakib, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-09-2025 The instant writ petition under Article 226 of the

Constitution of India has been filed by the petitioner seeking the

following reliefs:-

*“i. For issuance of direction/or order/ orders or directions
writ/ writs particularly in the nature of certiorari for
quashing the order dated 26.02.2021 passed in Mutation
Case No. 835 R27/2020-21/Bhagwanpur by which the
Circle Officer, rejected the Mutation Case filed by and the
petitioner communicated the same by the office of Circle
(Kaimur). Officer, Bhagwanpur, (Kaimur).*

*ii. For issuance of direction or order or an appropriate writ
particularly in the nature of mandamus for commanding*



and directing the respondent nos. to mutate 5 the land pertaining to Khata No.-34, Plot No. 102, 104, 117 measuring total area 1.52 acre in the light of judgment dated 23.11.2017 passed in Title Appeal No.-34/2013 by which the Ld. Additional District and Sessions Judge-IVth, Kaimur at Bhabhua declare the title and possession over the land 31.06 acre after setting aside the judgment dated 27.05.2013 and decree dated 06.06.2013 passed by the Sub-Judge-IVth Bhabhua in T.S. No. 130/2005 in favour of the petitioner which also attained finality.

iii. For other any incidental consequential relief/ reliefs to which the petitioner is found fit under the facts and circumstances of the case.”

2. Heard learned counsel for the petitioner and the learned counsel for the State-respondents.

3. The main grievance raised by the petitioner in this writ petition is that mutation of his land is not being done by the Circle Officer despite the petitioner's title in the land in question has been declared by the appellate court of competent jurisdiction (Additional District & Sessions Judge-IV, Bhabhua).

4. On the other hand, learned counsel for the respondents nos. 2 to 5 while opposing the petitioner's prayer has taken the plea in the counter affidavit that the judgement passed in the Title Appeal No. 34 of 2013/ 38 of 2016 has not



attained finality as the same has been challenged by way of Second Appeal No. 113 of 2019 before this court which is still pending and the provision of section 6(12) of the Bihar Land Mutation Act, 2011 says that mutation shall not be allowed in cases in which Title Suit with regard to that holding or a part thereof is pending in the competent court and the First as well as Second Appeal is considered to be continuation of the suit.

5. Considering the above facts, this court finds substance in the grounds taken by the respondents. Accordingly, this court finds no merit in this writ petition, so, it sands disposed of deeming the petitioner's issue pre-mature for deciding under writ jurisdiction.

(Shailendra Singh, J)

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