

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6258 of 2025

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Rubi Tabassum @ Ruby Tabassum Wife of Md. Ekhlauque Ahmed, Resident of Village- Shadipur, P.S. Jalalgarh, District- Purnea at present resident of 401 Sangam 2 Apartment, Samanpur Raja Bazar, P.S. Shastri Nagar District- Patna, Bihar- 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The Additional Collector, District Araria.
3. The Reform Deputy Collector, Land Reform, Araria.
4. Circle Officer, Araria.
5. Ruhi Tabassum, Wife of Dr. Md. Imran Alam, Resident of Village- Basantpur, P.S. Araria, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Wasi Akhtar, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA08

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-04-2025

In the instant petition, petitioner seeks following

relief(s):-

[A] A writ in the nature of Certiorari for setting aside the order dated 21.09.2023 passed by learned Additional Collector Araria in Mutation Revision Case No. 464/2022 whereby and whereunder claim of the petitioner has been rejected and affirm and order dated 21.03.2022 passed by learned D.C.L.R Araria in Mutation Appeal no. 140/2021-22 and order dated 27.12.2021 passed by Circle Officer, Araria in Mutation Case no. 6106



R27/2020-21/Araria whereby and whereunder the lower authorities have erroneously and illegally denied the prayer of Mutation with respect to land in question.

[B] A writ in the nature of Mandamus for commanding the Circle officer, Araria (Respondent no. 4) to get the land mutated with respect to the land in question during the pendency of this writ application by staying the operation of the order dated 21.09.2023 passed by learned Additional Collector Araria in Mutation Revision Case 464/2022.

[C] Any other relief or reliefs to which petitioners are entitled in the opinion of this Hon'ble High Court in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that land appertaining to R.S. Khata No. 415, R.S. Plot No. 1599, area 2 kattha and R.S. Khata No. 415, R.S. Plot No. 1599, area 8 kattha situated at Mauza – Sisauna Thana No. 303 P.S. and District – Araria belonged to Respondent No. 5. He further submits that respondent no. 5 is full sister of the petitioner and willingly and voluntarily without any undue pressure, she orally gifted the land in question to the petitioner and since the date of gift, the petitioner is in peaceful possession of the land in question. He further submits that Respondent No. 5 has already



executed a Memorandum of Hiba/oral gift on 23.11.2004 in favour of the petitioner with regard to the land in question. He further submits that petitioner has applied for mutation of the land in question before the Circle Officer, Araria and vide order dated 27.12.2021 the concerned authority rejected the prayer of the mutation of the land in question by observing that the document is unregistered, as contained in Annexure P/2. He further submits that against the order dated 27.12.2021, petitioner preferred the Mutation Appeal No. 140 of 2022 in the Court of DCLR, Araria who also rejected the mutation appeal on 21.03.2022, as contained in Annexure P/3. He further submits that petitioner being aggrieved and dissatisfied with the order dated 21.03.2022, petitioner preferred Revision Case No. 464/2022-23 in the Court of Additional Collector, Araria who also rejected the revision case on 21.09.2023. He further submits that petitioner has limited grievance that on the basis of oral gift, the concerned authority has not taken any action with regard to the mutation of the land in question.

3. Learned counsel for the State has submitted that petitioner has not availed the remedy before the appropriate forum for redressal of his grievance. However, if petitioner raises his grievance before appropriate forum, the concerned



authority may look into the the grievance of the petitioner.

4. Having considered the facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition is disposed of with liberty to the petitioner to represent his grievance before the appropriate forum.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.04.2025.
Transmission Date	N/A

