

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6661 of 2025

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1. Surya Prakash @ Shekhar Son of- Rambalak Yadav, Resident of Village Panditpur, P.S- Rajgir, District- Nalanda, Bihar.
 2. Bhavbhuti Mayank Son of- Kamalakant Sharma, Resident of Village Panditpur, P.S- Rajgir, District- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. District Magistrate, Nalanda at Bihar Sharif.
3. Deputy Collector Land Reforms, Rajgir, Nalanda.
4. Circle Officer, Rajgir Nalanda.
5. Mithilesh Kumar Son of Awadh Kishor Prasad, Resident of Village-Hargawan, P.S.- Manpur, District- Nalanda, Bihar.
6. Satendra Kumar Son of Awadh Kishor Prasad, Resident of Village-Hargawan, P.S.- Manpur, District- Nalanda, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Tewary
For the Respondent/s : Mr.Government Pleader (06)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-09-2025 1. Heard learned Counsel for the parties concerned.
2. The present writ application has been filed for quashing the order, dated 31.10.2024, passed by the Circle Officer, Rajgir, in Mutation Case No. 3018 R27 of 2023-24, by which the application of the petitioners for mutating the land, situated in mouza Rajgir, bearing Khata No. 498, Plot No. 6153, having an area of 0.22 decimals, in their favour has been rejected.
3. Learned Counsel for the petitioners submits that the land,



in question, was purchased by the petitioners from its rightful owner, namely, Satendra Kumar, by virtue of registered sale deed, dated 16.11.2023 and since the date of execution of sale deed, the petitioners are in continuous possession over the subject land.

4. On the other hand, learned Counsel for the State submits that the order passed by the Circle Officer is appealable before the Deputy Collector Land Reforms, under Section 7 of the Bihar Mutation Act and the petitioner, without availing the remedy of appeal, has filed the present writ application. She further submits that Title Suit No. 311 of 2019 has been filed by one of the co-sharers, which is still pending and there is injunction order in the said title suit passed by learned Sub Judge III, Bihar Sharif, restraining both the parties from making transfer of the suit land without permission of the Court, vide order, dated 24.05.2024.
5. In reply, learned Counsel for the petitioners submits that the injunction order has already been vacated and they have purchased the subject land much before the injunction order was passed.
6. Be that as it may, since the order impugned is appealable,



the petitioners are given liberty to file an appeal against the impugned order before the Deputy Collector Land Reforms within a period of one month from today.

7. If such an appeal is filed by the petitioners, the Deputy Collector Land Reforms shall be obliged to dispose the appeal in accordance with law and by a reasoned order, after giving opportunity of hearing to all concern, within a reasonable time frame.
8. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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