

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16775 of 2021

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Akhtar Ansari @ Md Akhtar Son of Abdul Razzak Ansari, Resident of Village
- Mirzapur, Thana - Panaura, Block - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
4. The Commissioner, Trihut Division, Muzaffarpur.
5. District Magistrate, Sitamarhi.
6. Deputy Collector, Land Reform (D.C.L.R.), Sadar, Sitamarhi.
7. Circle Officer, Dumra Anchal, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.
For the Respondent/s : Mr. Navnit Kumar, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-09-2025 Heard both the sides.

2. In the instant writ petition filed under Article 226 of the Constitution of India the petitioner has prayed for the following reliefs:-

“i) For direction to the respondent to mutate the land in the name of the petitioner bearing Khata No. 636, Khesra No. 3401 having an area of 17 decimal.

ii) For direction to the respondent to comply the order which was given on 01.04.1994 in Revisional Case No. 680/92 u/s 35 of Consolidation and Fragmentation Act for direction to the respondents to act upon the report given by Anchal Amin and Halka



Karmchari on 08.04.2008 and 20.06.2008 respectively.

iii) For direction to the respondent for other relief/reliefs to which the petitioner is legally entitled”.

3. The main grievance of the petitioner is that the land in question has not been mutated in his name and the respondents are not complying with the order passed on 01.04.1994 in Revision Case No. 680/ 1992 under section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

4. The respondent nos. 5 to 7 in their counter affidavit have taken a plea that the petitioner's on-line application filed for mutation of the land in question has been rejected by the Circle Officer on the basis of report of the Halka Karmchari as after inquiry it was reported that the land in question was acquired by seller through Chakbandi and the said Chakbandi was not finalized vide notification no. 54 dated 19.01.2018 of the Consolidation Directorate, Government of Bihar, hence, to do mutation of the land in question is not in accordance with law and the petitioner has specific remedy under the Bihar Land Mutation Act, 2011 by way of appeal for redressal of his grievance against the order passed by the Circle Officer rejecting his prayer for mutation in respect of the land in



question.

5. Considering the aforesaid facts, this court is not persuaded to exercise the writ jurisdiction of this court in respect of aforesaid issue of the petitioner. Accordingly, this writ petition stands disposed of with giving a liberty to the petitioner to file an appeal under the Bihar Land Mutation Act, 2011 for redressal of his grievance. If the petitioner avails this liberty within next four weeks then the Appellate Authority (Deputy Collector, Land Reforms) under the Bihar Land Mutation Act, 2011 shall decide the case of the petitioner on merit as per the provisions of prevalent law and shall not dismiss the same solely on the ground of limitation.

6. This writ petition stands disposed of.

(Shailendra Singh, J)

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