

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12635 of 2025

Syeda Shahina Majeed Wife of Syed Hussain Majeed, R/o- Majeed Compound, Bagh Kalo Khan, P.S.- Khajekalan, P.O- Patna City, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna
2. The Patna Municipal Corporation, Patna through its Commissioner
3. The Commissioner, Patna Municipal Corporation, Patna
4. The Executive Officer, Azimabad Circle, Sadikpur, Patna City, Patna
5. The Executive Officer, Patna City Circle, (Mutation In-Charge Azimabad Circle) Patna City, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Wasi Mohammad
For the Respondent/s : Mr.Government Advocate (10)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2025 In the instant petition, petitioner has prayed for the following relief:-

To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents, particularly Respondent No.4 to forthwith dispose of the Mutation Case No. PMC/AC/00286/2025, arising out of Mutation Application No. PMC/MUT/0005890 of the Petitioner for mutation of her name along with her two minor children's name over property bearing Property Identification No. (PID No.) - 2004380, Holding No. 114, Circle No.



139 situated at Bagh Kaloo Khan, Patna City, in accordance with law, as prescribed under the Bihar Municipal Act 2007.

ii) This Hon'ble Court may also adjudicate and hold that the action of Respondent No.4 in keeping the Petitioner's mutation application pending, that too without any valid or justifiable reason, tantamounts to dereliction of statutory duty on the part of the Respondent No.4.

iii) This Hon'ble Court may further adjudicate and hold that the inaction of the Respondent Authorities in mutating the name of the Petitioner and her minor children over the property in question is an act of malafide and complete arbitrary exercise of power.

iv) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of inaction of the Respondent No.4.

v) To grant any other relief or reliefs which the Petitioner may be found entitled to, in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that uncle-in-law of the petitioner namely, *Syed Ahsan Majeed*, during his lifetime, on 22.04.2023, transferred the entire share in M.S. Plot No. 908, 910, 911 and M.S. Plot No. 912, holding no. 103/92, 104/93 at present holding no. 114 and 114A/1, Circle



No. 139, Ward no. 65 (new) by way of oral gift (hiba) to the petitioner namely *Syeda Shahina Majeed* and her two minor children in equal shares. He further submits that petitioner and her two minor sons applied for mutation of their name in the said property and paid requisite fee for the same on 28.02.2025 but the said land in question has not been mutated in the favour of petitioner and her two children.

3. Learned counsel on behalf of Municipal Corporation submitted that if there is no objection, in that situation, the petition for mutation will be decided in accordance with law.

4. Considering the facts and circumstances of the case, the present petition stands disposed of with direction that if there is no objection over the application, in that situation, respondent. no. 5 is directed to dispose the matter, as per statutory provision, without being prejudiced by the order of this court expeditiously preferably within a period of one month from the date of receipt of this order.

(Alok Kumar Pandey, J)

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