

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13459 of 2025

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Jagdish Singh, Son of Sardar Gurumukh Singh @ Gurumukh Singh, Resident of Hospital Road (Ram Manohar Lohiya Path), Subhash Chowk, Ward No.- 7, Forbisganj, P.O. and Police Station- Forbisganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum- District Magistrate, Araria.
2. The Additional Collector, Araria.
3. The D.C.L.R., Forbisganj Magistrate, Araria.
4. The Circle Officer, Forbisganj Magistrate, Araria.
5. Arjun Lal Agrawal, Son of Late Banwari Lal Agrawal, Resident of R.B. Lane, Forbisganj, Ward No.- 5, P.O. and P.S.- Forbisganj Magistrate, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate Mr. Varun Krishna Singh, Advocate
For the Respondent/s	:	Mr. Md. Harun Quareshi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 25-08-2025 1. In the instant writ petition, a short question is involved, viz., as to whether the Collector, while exercising power under Section 9 of the Bihar Land Mutation Act, 2011, can pass an interim order under the provisions of Section 9(6) (c) of the said 2011 Act, without giving opportunity to the petitioner of being heard.

2. The case of the petitioner in brief is that his father late Gurumukh Singh purchased the property in question by executing a registered sale-deed, dated 24th of July, 1968. After purchase, he mutated his name before the



Revenue Authority by Jamabandi No. 31. He used to pay rent to the concerned Revenue Authority regularly. However, in the year 1984, he left Bihar, giving possession of the property to his son, the petitioner herein. Subsequently, the petitioner came to know that a fresh Jamabandi was created in the name of Respondent No. 5, by virtue of three mutation cases, instituted between the year 2008-2012. The petitioner filed Mutation Cancellation Case No. 262 of 2023 under Section 9 of the Bihar Land Mutation Act, 2011. The said application under Section 9 of the Mutation Act was allowed in favour of the petitioner. Against the said order, the Respondent No. 5 preferred an appeal before the Collector, Araria, being Cancellation Appeal No. 3 of 2025. In the said appeal, the Collector passed the impugned order, dated 10th of June, 2025.

3. It is contented on behalf of the petitioner, showing Section 9(6(c) of the Bihar Land Mutation Act, 2011 that the Collector of the district shall not pass any order, modifying, altering or setting aside the order, under appeal, unless the concerned party has been given an opportunity of



being heard.

4. It is submitted by the learned Advocate appearing on behalf of the petitioner that the petitioner was not given opportunity of being heard and an *ex-parte* order of injunction was passed against the impugned order.

5. This Court has asked the learned Advocate for the State that if the impugned order, dated 10th of June, 2025, is set aside, directing the Collector to dispose of the application for injunction, giving opportunity to the petitioner of being heard, whether the State administration shall have any problem or not, to which he frankly admits that the impugned order ought to have been passed, giving opportunity to both the parties of hearing.

6. In view of such submission, the order, dated 10th of June, 2025, is quashed and set aside.

7. The instant writ petition is allowed.

8. The Collector, Araria is directed to dispose of the above-mentioned petition for temporary injunction, giving opportunity to the petitioner / Opposite Party in Cancellation Case, of hearing.



9. The Collector, Araria is further directed to dispose of the Cancellation Case on merit within a period of eight weeks from the date of receipt/communication of a copy of this order.

10. Since the petitioner has stated wrong dates of execution of the sale-deed and the date of impugned order and he took considerable time of the Court to ascertain the correct date of impugned order and thereby substantial judicial hour was taken away unnecessarily, the writ petitioner is directed to submit a cost of Rs. 5,000/- to the Legal Services Committee of the High Court of Judicature at Patna.

11. With the aforesaid direction, the instant writ petition stands allowed, on contest.

(Bibek Chaudhuri, J)

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