

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18988 of 2025

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Sanjay Kumar Yadav Son of Late Meghnath Yadav, resident of Village-Barmasia, P.S.-Sahayak, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Katihar.
3. The Additional Collector, Katihar.
4. The Deputy Collector Land Reforms, Katihar.
5. The Circle Officer, Kodha, District-Katihar.
6. Sanjay Kumar Singh, Son of Late Nageshwar Prasad Singh, resident of Village-Hardeo Singh Jagarnath Puri, P.S.-Sahayak, District-Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Adv. Mr. Alexander Ashok, Adv.
For the Respondent/s	:	Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2025 Heard Mr. Devendra Kumar Sinha, learned senior
counsel for the petitioner and the State.

2. The present application has been preferred for the
following relief(s):

*for quashing of initiation of
proceeding vide Mutation cancellation
Appeal No. 18/25-26 through notice dated
29.04.2025 (Annexure-7) and for quashing of
recommendation made by circle officer in
Mutation cancellation case No. 08/25-26
dated 13.03.2025 (Annexure-6) forwarding
the same to respondent DCLR.*

3. An order has been passed by the Circle Officer,



Kodha, Katihar in Jamabandi Cancellation Case No. 08 of 2025-26 on 13.03.2025 recording that the mutation was allowed with regard to some lands relating to the petitioner earlier but later, it came to their notice that F.A. No. 82 of 2011 is pending before Patna High Court in which an interim order was passed on 11.12.2013 restraining the parties from transferring the suit land during the pendency of the appeal obtaining permission from the Court.

4. Accordingly, the recommendation was sent to the Deputy Collector Land Reforms, Katihar for cancellation of the Jamabandi. This followed the notice issued to the petitioner as also the respondent no. 6 by the office of Deputy Collector Land Reforms on 29.04.2025. This followed the present writ petition.

5. Learned Senior Counsel for the petitioner with the help of paragraph 20 submits that the Revenue Authorities did not bothered to go into the records of First Appeal No. 82 of 2011 pending before the Patna High Court which would have revealed that the petitioner is neither the party in the said appeal nor the land in question is involved. In the said case, both the parties agreed not to transfer the suit property land whereafter the said order was passed. However, at the behest of a public representative, the present proceeding has been initiated only to



harass him.

6. Learned State Counsel on the other hand submits that a mere notice has been issued, the petitioner has all the opportunity to bring on record the facts of the case including the details/parties involved in First Appeal No. 82 of 2011 with all the supporting documents so that the Deputy Collector Land Reforms, Kodha, Katihar can take decision in the matter.

7. The submission is that this petition is premature inasmuch as though the recommendation of the Circle Officer, Kodha is there, the final order has not been passed by the DCLR, Katihar.

8. This Court finds force in the submission of learned State Counsel. Good or bad, a notice has been issued, the petitioner has all the opportunity to satisfy the concerned authority that he has nothing to do with the First Appeal No. 82 of 2011 in which the direction was given not to transfer the land without the permission of the Court.

9. Needless to add, if all the documents supporting his case is produced before the concerned officer, the same has to looked into threadbare and only thereafter, a reasoned order has to be passed.

10. This Court expects the concerned Revenue



Authority to hear the parties and pass an appropriate order at an
earliest.

11. With the aforesaid observation, the writ petition is
disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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