

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20011 of 2025

MD. Ilyash S/O Late Yusuf, Residing at vill Duwari P.O Dugul P.S-Kasma
Anchal-Rafiganj District-Aurangabad Bihar Pincode-824125.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue Department, Govt of Bihar, Patna.
2. The Collector (DM), District-Aurangabad, Bihar.
3. The Deputy Collector (D.C.L.R) Land Reforms, District-Aurangabad, Bihar.
4. The Circle Officer, Circle Rafiganj, District-Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Pd. Singh, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2025 The instant writ petition has been filed under Article 226 of the Constitution of India by the petitioner, seeking the following relief(s):-

“ That writ application is being filed with prayer for issuance of an appropriate writ/writs, order/orders, direction to Respondent authority specially respondent no 4 (CO) Anchal-Rafiganj District-Aurangabad Bihar for reconsider the mutation of land bearing khata no-31 plot no-3 Area-50 dismal on the basis of order of appeal case no-471/23-24 in which the part of same khata no 31 and plot no 3 has been mutated by respondent no 4.”

2. Mr. Surendra Prasad Singh, learned counsel



appearing for the petitioner and Mr. Gyan Prakash Ojha, learned GA-7 appearing for the State-respondents are present and they are heard.

3. It is submitted by the petitioner's counsel that the petitioner and his brother had initially filed Mutation Case No. 1557 R27/2024-2025 before the Circle Officer, Rafiganj, which was rejected mainly on the ground that the Jamabandi of the land was running in the name of the father of the seller, the petitioner's non-appearance, as well as non-filing of the relevant documents were also taken into consideration, and accordingly, the petitioner's prayer was rejected but not on merit. Thereafter, the petitioner again filed an application/representation before the Circle Officer, Rafiganj, by way of Annexure-P/6, along with all the relevant documents, to decide the same in the light of the order passed by the DCLR, Aurangabad, in Mutation Appeal Case No. 471/2023-24, which is still pending.

4. After hearing both sides, this Court is of the view that there is an efficacious remedy of appeal to challenge the order of the Circle Officer rejecting the petitioner's prayer for mutation, and the same should have been availed by the petitioner. Therefore, considering this aspect, the instant writ petition stands disposed of with giving liberty to the petitioner



to avail the said efficacious remedy. Upon availing this liberty, the petitioner’s appeal shall be decided on merit by the concerned authority.

5. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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