

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4903 of 2026

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Amar Kumar Paswan Son of Late Musafir Paswan, Resident of Village-
Nazirpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate-cum-Collector, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. The D.C.L.R., East, Muzaffarpur.
6. The Circle Officer, Mushari, Muzaffarpur.
7. Sri Sudhanshu Shekhar, Son of not known, the then Circle Officer, Mushari, Muzaffarpur.
8. Sri Krishna Kumar, Son of not known, the present D.C.L.R., East, Muzaffarpur.
9. Sri Jay Chandra Yadav, Son of not known, the then D.C.L.R., East, Muzaffarpur.
10. Sri Sanjay Kumar, Son of not known, D.C.L.R., East, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-04-2026 Heard Mr. Krishna Kant Singh, learned counsel for the
petitioner and Mr. Vishwambhar Prasad

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

*(i) For issuance of a writ in the
nature of mandamus directing the concerned
respondents to mutate the land as fully
described in Para-8, 9 & 10 of the instant*



writ application in favour of the petitioner in view of the facts that by virtue of judgment and decree dated 08.11.2019 passed in Title Appeal No.19/2011 the vendor of the petitioner has got absolute right, title and possession over the land and new Jamabandi No.376, 377 and 378 was created in favour of the vendor of petitioner and though the petitioner is in peaceful possession of the land by virtue of valid sale deed and the same was recommended for mutation in favour of the petitioner by the Revenue Karamchari but the Circle Officer, Mushari, Muzaffarpur with malafide intention and because of refusing to oblige him has rejected the same on frivolous ground that the Jamabandi is running in favour of State Government by order dated 23.10.2021 passed in Mutation Case No.1433 R27/2021-22, 1436 R27/2021-22 and 1377 R27/2021-22.

(ii) For setting aside the order dated 23.10.2021 passed in Mutation Case No.1433 R27/2021-22, 1436 R27/2021-22 and 1377 R27/2021-22 passed by Circle Officer, Mushari, Muzaffarpur and after setting aside the same direct for mutating the land in favour of the petitioner.

(iii) For other necessary relief/reliefs to which the petitioner may be



found entitled in the facts of the case.

3. The matter relates to a piece of land, details of which is/are as under:

C.S. Khata No. 46;

CSP No- 113(P);

R.S. Khata No. 193;

RSP No.- 464;

*Area- 3 Acre 82 decimal at Village-
Bakhari Chandan in the district of Muzaffarpur.*

4. The plaintiff including the Bhola Rai (from whom the petitioner claims to have purchased the lands) filed Title Suit No. 152 of 2004 (Ram Bilas Bhagat & ors. vs. State) which went against them vide an order dated 29.11.2011 (Annexure-1 to the petition).

5. Aggrieved, the Title Appeal No. 19 of 2011 was preferred which was allowed and the order dated 21.11.2011 in Title Suit No. 152 of 2004 was set aside (Annexure-2 to the petition).

6. It is the case of the petitioner that subsequently by sale deeds, on 15.03.2021, 12 decimal, 53 and 52 decimal (totaling 117 decimal) was/were purchased from Bhola Rai as also Phool Kumari (they have not been made party respondent in the case) and the submission before this Court is that the Circle Officer rejected the application for mutation vide an order



dated 23.10.2023 in Mutation Case No. 1377 R 27 of 2021-22/Mushari.

7. Against the said rejection order, the petitioner preferred appropriate petition before the Deputy Collector Land Reforms, East, Muzaffarpur which according to him, is still pending in his office.

8. Learned State Counsel submits that since the petition is preferred before the DCLR, East, Muzaffarpur, it will be taken to its logical conclusion.

9. This Court has recorded the entire facts of the case which shows that after the Title Appeal No. 19 of 2011 (Ram Bilas Bhagat & ors. vs. State of Bihar) was allowed where after hearing all the parties including the State respondents on 08.11.2019, subsequently, Bhola Rai and Phool Kumar Devi sold certain piece of land out of 3.82 decimal.

10. There is nothing on record to show and it is the case of the petitioner that to his knowledge, the State has not preferred any application against the said order passed in Title Appeal No. 19 of 2011, in that background, after putting Bhola Rai, Phool Kumari Devi, Ram Bilas Bhagat, Ashok Kumar Singh, Dilip Kumar Singh and Hasni Devi/ their heirs, the DCLR East, Muzaffarpur is duty-bound to take the matter to its



logical conclusion. He/she cannot sit over the matter for an indefinite period.

11. In that background and taking into account that no order has been passed yet, as informed by learned counsel for the petitioner, with the consent of the parties, the writ petition is disposed of directing the respondent no. 5, the Deputy Collector Land Reforms, East, Muzaffarpur to take up the case, hear all the parties, as recorded above including the State of Bihar and pass a necessary order on the application preferred by the petitioner preferably within a period of three months from the date the petitioner prefers an application annexing the order passed by this Court.

12. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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