

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8216 of 2021

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Shatrudhan Ram @ Shatrudhan Prasad, S/o Late Ashrafi Ram, R/o Village
Nawan, Tola Gosaichak, P.S. Bodhgaya, Distt. Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Land Reforms Deputy Collector, Gaya.
4. The Circle Officer, Bodhgaya, Gaya.
5. Suraj Manjhi, S/o Late Kasam Manjhi, R/o Village Nawan, Tola Gosaichak, P.S. Bodhgaya, Distt. Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Advocate.
For the Respondent/s : Mr. Md. Khurshid Alam, Aag 12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 05-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought, *inter alia*, following relief(s), which is

reproduced hereinafter:-

“ That this is an application for issue of an appropriate writ, order/Direction in the nature of Mandamus declaring the Parwana (copy not found) as null and void and issue direction to Resp. No.4 (Circle Officer, Bodhgaya, Gaya) to open demand of land admeasuring 64.24 decimals having Plot No.804 (old), 1011 (new) and Khata No. 211 (old), 357 (new) situated in village – Nawan Gosaichak under Bodhgaya revenue circle of Gaya district



in the name of petitioner following the right, title and interest having been declared by the competent court / court of learned Munsif, 2nd, Gaya in favour of petitioner in Title Suit No. 105/2003 on 22.03.2005 and his brother and subsequent partition of the said land among brothers and after rejection of Title Appeal No. 34/2005 by the court of learned District Judge, Gaya on 29.07.2008 preferred by the State of Bihar and no further appeal having been preferred in above cases the matter having attained finality.”

3. Record reveals that Title Suit No. 105 of 2003 was filed by one Rup Narayan Ram, Son of Late Asharfi Ram which was decreed vide judgment and decree dated 22.03.2005 in favour of the plaintiff-petitioners. The State was defendant in the said suit. Losing the Title Suit, the State preferred Title Appeal No. 34 of 2005 which was also dismissed for non-prosecution vide order dated 29.07.2008. The petitioner on the basis of the judgment and decree dated 22.03.2005, filed Mutation case before the Circle Officer, Bodhgaya.

4. A reference has been given in Para-4 of the writ petition that the Circle Officer, Bodh Gaya rejected the application for mutation on the ground that 54 decimal of land being the subject matter of the Title Suit was settled with the landless person for which Parwana has already been issued in favour of the respondent no.5. The petitioner has preferred Misc. Case No. 15/2009-10/13/2010-11 before the L.R.D.C., Sadar, Gaya contending that since the land got recorded in the name of the Government of Bihar, respondent no.5 could not be



impleaded as defendant in the said suit.

5. A reference has been given Para-6 of the writ petition that during the pendency of the appeal before the Additional Collector, respondent no.5 had entered into compromise with the petitioner.

6. On the basis of the judgment and decree passed in Title Suit No. 105/2003 declaring the title in favour of the petitioner, as well as, compromise entered into between the petitioner and the respondent no.5 and Parwana has been issued in favour of the petitioner, the Circle Officer is required to give effect to the order passed by the competent civil court declaring the title of the petitioner. The Circle Officer could not have refused to mutate the land. The action of the Circle Officer, in such circumstances, cannot be said to be in accordance with law.

7. The subsequent act of the respondent no.5 also goes to show that once compromise has been entered into between the parties, the petitioner becomes entitled for the land for which decree has been passed in his favour. The land is required to be mutated in favour of the petitioner in accordance with law.

8. Accordingly, the Circle Officer concerned is directed to forthwith mutate the land in favour of the petitioner in accordance with law.



9. With the above observation and direction, the writ
petition stands disposed of.

(Purnendu Singh, J)

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