

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11087 of 2022

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Ajit Kumar Son of Parshuram Singh Resident of Village- Laxmipur, Police Station- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Jamui.
4. The Circle Officer, Sikandra, Jamui.
5. The Public Grievance Redressal Officer, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate Mrs. Shrishti Singh, Advocate
For the Respondent/s	:	Mr. Atul Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-02-2026

Heard Mr. Sanjeev Ranjan, learned counsel
appearing on behalf of the petitioner and Mr. Atul Shankar,
learned counsel for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought, *inter alia*, following relief(s), which is
reproduced hereinafter:-

"(i) For a writ of certiorari to quash the e-communication dated 23.08.2021,, passed in Case No. 1149 of 2021-22, whereby without notice to the petitioner or the persons alleged to be interested or the villagers who are alleged to be cultivating the land, the impugned order has been passed in complete violation of principle of natural justice and in flagrant violation of Sub Section 6 (4) of the Bihar Land Mutation Act 2011 as even in case of objection under Sub Section 6 (4) of the Bihar Land Mutation Act 2011 no order shall be passed unless the parties have been given reasonable opportunity to adduce evidence and being



heard.

(ii) For a writ of mandamus commanding the respondent Circle Officer to decide the mutation case in accordance with law after affording opportunity of adducing oral and documentary evidence to the petitioner in support of his title and possession on the suit land.

(iii) For any other relief / reliefs to which the petitioner is found entitled in the facts and circumstances of the case."

BRIEF FACTS

3. The brief facts of the case are that the land appertaining to Khata No. 156, Kheshra No. 752 measuring 4 Acre 21 Decimal, Khata No. 156, Kheshra No. 625 measuring 3 Acre 65 Decimal and Khata No. 155, Kheshra No. 731 measuring 71 Decimal, situated in Thana No. 214, Mauza Sikandara, Police Station–Charan, District–Jamui, was recorded in the Revisional Survey in the name of Mathura Singh, grandfather of Kumar Neeraj, and till date Jamabandi continues in his name, with rent having been regularly paid by Kumar Neeraj on behalf of his late grandfather and rent receipts issued up to the year 2021; due to compelling family necessity, Kumar Neeraj decided to sell the land and, after negotiation, agreed to transfer the same to the petitioner for a consideration of Rs. 40,00,000/-, pursuant to which a registered sale deed bearing No. 6805 dated 31.07.2021 was duly executed conveying all right, title and interest in favour of the petitioner; thereafter, the petitioner applied for mutation of his name in the revenue



records through online mode on 23.08.2021, which was registered as Mutation Case No. 1149 of 2021–22, and the Circle Officer directed a local enquiry through his subordinate, but upon receipt of the enquiry report, without initiating any formal proceeding or granting any opportunity of hearing to the petitioner, the Circle Officer abruptly rejected the mutation application by e-communication dated 23.08.2021 uploaded on the mutation portal, solely on the basis of a vague report alleging that unnamed villagers claimed cultivation over the land, treating the same as an objection and thereby passing an arbitrary and illegal order, giving rise to the present writ petition.

SUBMISSIONS ON BEHALF OF THE PARTIES

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner after purchasing a piece of land appertaining to Khata No. 156, Khesra No. 752 measuring 4 Acre 21 decimal, Khata No. 156, Khesra No. 625, measuring 3 acre 65 decimal and Khata No. 155, Khesra No. 731 measuring 71 decimal situated in Thana No. 214 at Mauza Sikandara, Jamui, from his vendor namely, Kumar Neeraj through registered Sale Deed No. 6805 dated 31.07.2021, had applied for mutation in his name through online mode on 23.08.2021 by



intimating the Circle Officer, Sikandara, it was registered being the Mutation Case No. 1149 of 2021-22 and directed the *Karamchari* to make enquiry and verify revenue records and submit a report. He further submitted that at the stage of enquiry, the *Karmchari* reported that some unauthorized persons have occupied the aforesaid piece of land, though, *Jamabandi* is in the name of one Mathura Singh, ancestor of the vendor of the petitioner, namely, Kumar Neeraj, son of Late Nand Kishore Singh. He further submitted that to support the said information, the Circle Officer, in paragraph no. 6 of his counter affidavit, has stated that petitioner had submitted an application before *Mukhya Mantri Janta Darwar* on 25.08.2021 stating therein that he has no possession over the land in question. Referring to 'Annexure-3 to the writ petition' learned counsel submitted that the Circle Officer, for the reason best known to him, has been able to manage some local people, who have allegedly filed their undated objection that they are in cultivating possession of the aforesaid land since long time. It has also been mentioned in the said application that the land in question don't belong to the petitioner rather the same belongs to one *Math*, however, name of the *Math* is not mentioned, nor the nature of the *Math* is given whether the same is registered with the Bihar Religious



Trust Board or the same is a private *Math*. The Circle Officer on the basis of the report of the *Karmchari*, has kept the Mutation Case No. 1149/2021-22 of the petitioner pending since the year 2021. He further submitted that in terms of Section 5 read with Rule 5 of the Bihar Land Mutation Act, 2011, the Circle Officer can himself do enquiry. On these grounds, learned counsel seeks interference of this Court.

5. *Per contra*, Mr. Atul Shankar, learned counsel appearing on behalf of the State submitted that to mutate the land, the very objective of the Bihar Land Mutation Act, 2011 is to provide for regulating the process of mutation of land and making it commitment to the needs of present time, merely getting mutation gives right to the persons, who are in possession of the land. In the present case, the vendor of the petitioner was not in possession of the land, the day he sold the land by executing the Sale Deed No. 6805 dated 30.07.2021 in favour of the petitioner. The report has been submitted by the Circle Officer both on the basis of confidential enquiry, as well as, the physical enquiry on the spot after inviting participation from the petitioner and his vendor. The C.I. and the *Karmchari* found on the spot that that vendor of the petitioner was not in peaceful possession of the land in question and question of



mutation for fixation of rent on the basis of Sale Deed No. 6805 dated 31.07.2021 does not arise. The petitioner instead of filing his objection to the objection filed by the villagers, has straightaway filed the present writ petition before any order rejecting the mutation, has been passed by the Circle Officer. He further submitted that law does not provide, that anything, which is anticipated, can be given its effect. On these grounds, learned counsel submitted that writ petition being pre-mature is fit to be dismissed.

ANALYSIS AND CONCLUSION

6. Heard the parties.

7. Having heard the rival submissions made on behalf of the parties, the question, which requires consideration of this Court is, as to whether, the notice, which has been uploaded on the official website of the Revenue Department after registering a Mutation Case No. 1149/2021-22 and kept the same pending on the basis of the report of the C.I. and *Karmchari*, will amount to affect the right of the petitioner and calls for interference of this Court.

8. The report of the *Karmchari* admits the fact that the *Jamabandi* is running in the name of the ancestor of the vendor of the petitioner, namely, Late Mathura Singh. The



report doesn't give information that the vendor of the petitioner or his ancestor has not been making payment of the revenue fixed for the land, which the petitioner has purchased. Petitioner has been able to bring on record some of the revenue receipts till the Financial Year 2011-22, though, he claims that subsequent to that, up-to-date rent receipts have also been generated in the name of the ancestor of the vendor of the petitioner, namely, Mathura Singh as would appear from 'Annexure-1 to the writ petition'.

9. The Circle Officer has filed counter affidavit giving information that some of the villagers are in cultivating possession of the land, which the petitioner has purchased from the descendant of the Late Mathura Singh and, as such, mutation cannot be recommended on the said piece of land in view of the enquiry report submitted by the Karmchari. The Circle Officer in his counter affidavit, has given information that the lands in respect of which the petitioner has filed mutation case, belongs to a *Math*, however, no reference or information has been given in respect of the name of *Math* and the nature of *Math* being public *Math* registered with the Bihar Religious Trust Board or a private *Math*. The petitioner claims title over the land in question on the basis of sale deed and his mutation application



has not been disposed till date. The reason for same being that there is *Dakhal Kabja* of villagers and property belongs to a *Math*, however, the information contained in counter affidavit is not supported by any rent receipts generated or any valid evidence in support that the said property is in possession of a *Math*. The Annexure-B to the counter affidavit has also been brought on record in respect of the application filed by the petitioner in *Mukhya Mantri Janta Darwar* on 25.08.2021, wherein, the petitioner has admitted that he is not in possession of the land for which he has filed the Mutation Case No. 1149 of 2021-22 but it is not denied by him or the revenue authorities that the vendor of the petitioner was not in possession of the said land on the date of execution of the sale deed. The record shows that the petitioner had approached the *Mukhya Mantri Janta Darwar*, where he has admitted that he is aggrieved by the illegal action of the Circle Officer and the staffs of the Circle namely, Sikandra, particularly, the *karamcharis*, who have submitted the report that in absence of possession, the correction slip cannot be generated. The said application, if allowed to be entertained, then it will certainly affect the right of the petitioner as enshrined under Article 300A.

10. In background of the above facts and



circumstances, now I analyse, as to whether, the Circle Officer, before exercising jurisdiction and directing the *Karmchhari* to hold enquiry in respect of the land before mutating it can assume jurisdiction to deny relief without giving the jurisdictional facts. Law don't provide such exercise of jurisdiction to be legal in any manner.

11. It is well settled principle of law, if a Court, tribunal or quasi judicial authority wrongly assumes jurisdiction without discussing the jurisdictional facts, such order or action can be questioned by a writ of certiorari. The under line principle is that by erroneously assuming jurisdiction of such jurisdictional facts, no authority can confer upon it itself jurisdiction, which it otherwise he doesn't possess. The absence of jurisdictional fact is strong ground to invoke writ jurisdiction and in alternative, if a jurisdictional fact exist, the plea of alternative remedy could be a hurdle in entertaining a writ petition.

12. From the records and the facts, and the discussions made hereinabove, I find that the Circle Officer has assumed jurisdiction without discussing the jurisdictional facts, has acted without authority of law. In such circumstances, the action of the Circle Officer calls for interference of this Court.



13. On the above settled principle of law, the action of the Circle Officer insofar as keeping the Mutation Case No. 1149 of 2021-22 pending on the basis of the illegal *Karmchari* report dated 23.08.2021 uploaded on the official website in absence of any evidence in its support, the report is also fit to be quashed and set aside.

14. The Circle Officer is directed to act within his jurisdiction and forthwith mutate the land of the petitioner in accordance with law by entertaining well founded objection supported by evidence.

15. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	17.02.2026
Transmission Date	N/A

