

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9937 of 2026

1. Vinit Kumar, Son of Late Bindeshwari Prasad Mahto, Resident of Village-Bihariganj, P.S.-Bihariganj, District-Madhepura, Bihar.
2. Amit Kumar, Son of Late Bindeshwari Prasad Mahto, Resident of Village-Bihariganj, P.S.-Bihariganj, District-Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Deputy Collector Land Reforms, Udakishunganj, Madhepura.
4. The Circle Officer, Bihariganj, Madhepura.
5. Sarvesh Kumar Singh, Son of Late Birendra Kumar Singh, Resident of village -Mohanpur Nishaf, P.S- Bihariganj, District- Madhepura.
6. Rajesh Mahto, Son of Late Bindeshwari Mahto @ Bindeshwari Noniya, Resident of village- Sheikhpura Ward No. 10, P.S-Bihariganj, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Ruchi Mandal, Advocate
For the Respondent/s : Mr. Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

Date : 09-07-2026

Heard learned counsel for the parties.

2. The petitioners have directly approached this Court assailing the mutation/jamabandi in Mutation Case No. 2851 of 2023-24, whereby Circle Officer, Bihariganj, Madhepura has illegally created mutation/jamabandi pertaining to land situated at Thana No. 231, Anchal Bihariganj, Khata No. 1, Plot no. 1284, in favour of respondent No. 5.



3. At this stage, learned counsel appearing on behalf of the State submits that there is specific provision of appeal under the Bihar Land Mutation Act, 2011, so the petitioners should prefer appeal before the D.C.L.R., Madhepura against the order of Circle Officer, Bihariganj Madhepura.

4. The Court finds force in the submission so advanced on behalf of the learned counsel appearing for the State. Section 6 of the Bihar Land Mutation Act, 2011 lays down procedure for disposal of mutation case by the Circle Officer of the concerned Circle. The order passed by the Circle Officer under Section 6 of the Act is to be appealed in terms of provisions as provided in Chapter VI of the Act (supra) which prescribes provision of appeal under Section 7 of the Act :-

*“7. **Appeal.**-(1) The party aggrieved by the order of the Circle Officer or against Pre-Mutation Revenue Sketch Map approved by the Circle Officer shall appeal to Deputy Collector Land Reforms (DCLR) within 30 days from the date of order/approval.]*

(2) The Land Reforms Deputy Collector may condone the delay in filing appeals provided he is satisfied that there are sufficient reasons for the delay.

(3) The Land Reforms Deputy Collector shall not pass any order modifying, altering or setting aside the order appealed against unless the concerned parties concerned have been given a reasonable opportunity of being heard.

(4) The time limit for the disposal of a mutation



appeal shall be thirty (30) working days from the date of the filing of the mutation appeal.”

The aforementioned section mandates that any person, so aggrieved by the order of the Circle Officer passed in mutation case, shall approach the D.C.L.R. of the district assailing the order passed by Circle Officer. Section 7 Clause (1) (2)(4) lays down the comprehensive procedure for deciding such appeals so preferred against the order rejecting or allowing the mutation before the D.C.L.R.

5. In view of this definite and statutory provision of appeal to be preferred before the D.C.L.R. of the concerned district, learned counsel for the petitioners seeks permission to withdraw this application with liberty to approach the D.C.L.R., Madhepura against the mutation/jamabandi passed by the Circle Officer, Bihariganj in Mutation Case No. 2851 of 2023-24 within a period of two weeks henceforth. If such an appeal is preferred on behalf of the petitioners, within a period of two weeks, the D.C.L.R. is duty bound to accept the appeal and decide the same on the merit after having issued notice to all the concerned and having heard all the parties, having of interest in the aforesaid proceeding within a further period of six weeks therefrom.

6. It goes without saying that if any question of limitation



arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

7. Thus the writ petition stands disposed of in the aforesaid terms.

8. All pending interlocutory application(s), if any, stand/s disposed off. .

(Rana Vikram Singh, J)

Saurabh.kr/
Prakash-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.07.2026
Transmission Date	N/A

