

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9893 of 2026

Ashok Kumar Son of Late Ganesh Prasad Singh, Resident of Mohalla House No. 113A/2, Dr. Rajendra Prasad Lane (Gali), Sheikhpura, P.O. - B.V. College, P.S. - Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue Department, Old Secretariat Patna.
2. The District Magistrate, Gayaji.
3. The Circle Officer Sadar Block, District- Gayaji.
4. The Circle Inspector Sadar Block, Gayaji.
5. The Halka Karamchari, Sadar Block, Gayaji.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar
For the Respondent/s : Mr.Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL JUDGMENT

Date : 08-07-2026

Heard learned counsel for the parties.

2. The petitioner has directly approached this Court assailing the order dated 19.05.2026 passed by Circle Officer, Gayaji in Mutation Case No. 8967R27/2025-26 whereby the application of petitioner for mutation has been rejected.

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 petitioner should prefer appeal before the D.C.L.R., Gayaji against the order of Circle Officer, Gayaji, rejecting his application for



mutation.

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 to 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.”

stipulating therein 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 petitioner seeks permission to withdraw this application with liberty to approach the D.C.L.R., Gayaji against the order dated 19.05.2026 passed by the Circle Officer, Gayaji in Mutation Case No. 8967R27/2025-26 within a period of two weeks henceforth. If such an appeal is preferred on behalf of the petitioner, 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 petitioner was 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)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

