

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20623 of 2025

Md. Abid Khan Son of Wasi Ahmad Khan, Resident of village- Khandail,
P.O.- Bishunpura, P.S.- Sherghati, District- Gaya (Bihar), 824237.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Collector, Gaya.
3. The Land Reforms Deputy Collector, Sherghati, Gaya.
4. The Circle Officer, Sherghati, Gaya.
5. Mrs. Usha Kumari, Circle Officer, Sherghati, Gaya.
6. Sri Vishwanath Kumar Yadav, Revenue Officer, Sherghati, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.
For the Respondent/s : Mr. Uday Shekhar Singh, Gp19

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-01-2026 1. The petitioner has filed the present writ application for quashing the order, dated 04.10.2024, passed by the Circle Officer, Sherghati, Gaya, in Mutation Case No. 391-R27 of 2024-25, whereby the Mutation Application No. 391 has been rejected.

2. The case of the petitioner is that the petitioner has five brothers and the land appertaining to Khata no. 126, Khesra no. 331, 327, Thana no. 135, ad-measuring 4 decimals and 10 decimals, total 14 decimals, situated at Mauja-Khandail, P.S. and Circle Sherghati, district-Gaya, was gifted by Rajik Khan in favor of the father of the petitioner by memorandum of oral gift,



dated 06.12.1980. The father of the petitioner decided to partition the entire property between the five sons during his lifetime and a partition took place among five brothers of the petitioner by virtue of Panchnama/partition deed, dated 18.12.1983 and equal share was allotted to five sons. The land in question, which is subject matter of the present case, was allotted to the petitioner. The petitioner applied for mutation of the land in question which was rejected by the Circle Officer, Sherghati, Gaya, vide order dated 14.01.2023 in Mutation Case No. 1208-R27-2022-23.

3. The petitioner being aggrieved by the order, dated 14.01.2023, filed an appeal bearing Mutation Appeal No. 444 of 2023-24 before the DCLR, Sherghati, and the learned DCLR after hearing the parties, disposed the appeal on 05.06.2024 and remitted the matter back to the Circle Officer Sherghati, Gaya, to pass a fresh order after considering Panchnama, partition schedule, possession etc. After remand, the Circle Officer has rejected the Mutation Application of the petitioner vide order, dated 04.10.2024, which is under challenge in the present Writ Application.

4. Learned counsel for the State submits that a reasoned order has been passed by the Circle Officer on



04.10.2024 after remand and if the petitioner is still aggrieved with the order of rejection of Circle Officer, he may prefer an appeal before DCLR under Section 7 of Bihar Land Mutation Act, 2011.

5. Considering the nature of prayer made in the writ application and the fact that the petitioner has efficacious remedy of appeal under Section 7 of the Mutation Act, 2011, the present writ application is disposed with liberty to the petitioner to file an appeal against the order, dated 04.10.2024, passed by the Circle Officer before the DCLR, Sherghati, and if such appeal is filed within 13 days along with condonation of delay petition, the DCLR, Sherghati, shall consider the same on its own merit and pass a reasoned order after giving opportunity of hearing to all concerned within a further period of 3 months.

6. With the aforesaid direction and observation, the present writ application is disposed.

(Anil Kumar Sinha, J)

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