

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.191 of 2026

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Surya Nestbuild Limited having its Head Office at Surya Signature Building, Besides Hira Sweets Lane, Boring Canal Road, P.S. S.K. Puri, District and Town-Patna, Bihar represented through its one of the Directors, namely, Shri Tarun Kumar aged about 57 years Son of Late Shri Jagdish Prasad Singh, resident of Flat No. 303, Block-A-1, Nutan Tower, Kankarbagh, Patna-800 020, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Additional District Magistrate/Additional Collector, Patna Sadar, Patna (Revisional Authority).
5. The Deputy Collector Land Reforms, Danapur, District Patna (Appellate Authority).
6. The Circle Officer, Danapur, District Patna (Original Authority).
7. M/s Helios Corporation Limited, Address Helios Bhawan, Station Road, P.S. Kotwali, P.O. G.P.O., District and Town Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
	:	Mr. Kumar Ravish, Advocate
	:	Mr. Yashvardhan Singh, Advocate
For the State	:	Mr. Additional Advocate General (5)
	:	Mr. Bijoy Kumar Sinha, AC to AAG-5
For the Resp. No.7	:	Mr. Abhinav Shrivastava, Sr. Advocate
	:	Mr. Navin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 30-06-2026

Heard Mr. Mrigank Mauli, learned Senior Counsel
for the petitioner duly assisted by Mr. Kumar Ravish and Mr.
Abhinav Srivastava, learned Senior Counsel representing the
respondent no.7 duly assisted by Mr. Naveen Kumar as also Mr.
Bijoy Kumar Sinha, learned counsel for the State.

2. The present petition has been preferred for the



grant of following relief(s):

“(a) to quash and set aside at Pg. 177 (Annexure P/15) i.e. an ex parte order dated 14.10.2025 passed by the Revisional Authority i.e. Additional District Magistrate/Additional Collector (ADM), Patna in Mutation Revision (MR) No. 25 of 2025-26 (M/s Helios Corporation Limited, Dist-Patna Versus D.C.L.R. Danapur and Others, Dist. Patna) under which the order dated 6.11.2024 (Annexure P/13) passed in Mutation Appeal Case No. 09/2024-25 by the Deputy Collector Land Reforms, Danapur (Appellate Authority) was set aside with restoration of Jamabandi of the private respondent no. 7 as mentioned in the concluding portion of the impugned order.

(b) to direct for an expeditious disposal of Mutation Revision No. 101 of 2024-25 (Annexure P/11) pending in the Court of Revisional Authority i.e. the Additional District Magistrate/Additional Collector, Patna which was filed at the instance of this petitioner against



an order dated 18.10.2024 (Annexure P/10) passed in Mutation Appeal Case No. 365 of 2024-25 under which the mutation order passed in favour of this petitioner was set aside.

(c) to direct for restoration of Jamabandi of this petitioner bearing Jamabandi No. 1078 with respect to the property situated at Mauza Babkarpur, Pargana Phulwarisharif, P.S. Danapur, District Patna, Thana No. 35, Tauzi No. 5061, Khata No. 106, Survey Plot No. 104 [The same is in Halka Lakhnibigha, Circle Danapur].

(d) to direct for payment of costs of this litigation.

(e) any other relief or relief (s) which this petitioner may be found entitled to in the facts and circumstances of the case.”

3. The facts relating to the present writ petition is/are as follows:

4. The petitioner claims to be a company incorporated under the laws in vogue in the country and its directors, officials and staffs are citizens of India.



5. Further, the petitioner-**M/s Surya Nestbuild Limited** claims to have acquired the property in question situated at **Mauza Babkarpur, Pargana Phulwarisharif, P.S. Danapur, District Patna, Thana No. 35, Tauzi No. 5061, Khata No. 106, Survey Plot No. 104** [The same is in Halka Lakhnibigha, Circle Danapur] vide following three sale deeds admeasuring a total area of **64 decimals**:

(a) vide Sale Deed No. 8318 dated 10.05.2008 from Ajay Kumar acquiring 21.5 decimals;

(b) vide Sale Deed No. 13827 dated 4.8.2008 from Suban Rai and Krishna Mistry acquiring 31.5 decimals;

(c) vide Sale Deed No. 13854 dated 5.8.2008 from Suban Rai acquiring 11 decimals.”

6. Further, as per the petition, the vendors of this petitioner above named had earlier purchased the land in question from Smt. Ahilya Devi, Smt. Rampyari Devi, Keshav Singh and others by way of different sale deeds and since then, they came in peaceful, vacant and exclusive possession of the land in question and also got their names mutated in the revenue records.



7. Later, upon execution of the sale deeds in favour of this petitioner company, it came in peaceful, vacant and exclusive possession of the entire chunk of land with boundary wall duly constructed. The petitioner also constructed iron gate for ingress and egress and further took electricity connection from the Power Holding Corporation.

8. The further case of the petitioner is that upon acquiring the property under three different sale deeds, applications were preferred for the mutation of the name of the company in the revenue records and accordingly, the same were also mutated under two separate orders passed by the Circle Officer, Danapur in following manner after carrying out necessary inquiries:

(a) Sale Deed No. 8318 dated 10.05.2008.

*Name of the petitioner was mutated in **Mutation Case No. 492/2008-09** vide an order dated **25.06.2008**;*

*(b) Sale Deed No. 13827 dated 4.8.2008 and Sale Deed No. 13854 dated 5.8.2008. Name of the petitioner was mutated in **Mutation Case No. 904/2008-09** under an order dated **29.08.2008**.*

9. The name of this petitioner company accordingly



got entered into the Register-II and Jamabandi No. 1078 was created in his name. The Circle Officer, Danapur also issued land ownership/possession certificate for a total area of 64 decimals acquired by this petitioner under valid sale deeds. It also records that Jamabandi No. 1078 was created in favour of the petitioner. The said certificates were duly issued on 15.04.2013, 01.07.2014 and 16.05.2017 by the said office.

10. The further case of the petitioner is that the company started paying rent to the State Government and the competent authority also issued rent receipts for the land in question accordingly based on the revenue records till the year 2024-25 when due to the erroneous orders passed against by the revenue authorities, the names of the old Jamabandi holders were restored. As a result, for the year 2025-26, the petitioner could not pay the rent revenue.

11. The case of the petitioner further is that at the behest of the respondent no.7, the **Jamabandi Cancellation Case No. 119 of 2013-2014** was initiated against the petitioner company which was decided against the said respondent on **31.01.2015** by the Additional Collector, Patna with a direction/liberty to file proper Civil Suit (Annexure P/5 to the writ petition).



12. Aggrieved, the respondent no.7 moved before the Collector, Patna in **Jamabandi Cancellation Appeal Case No. 09 of 2015-2016** assailing the order dated 31.01.2015 passed by the Additional Collector (**in the Jamabandi Cancellation Case No. 119 of 2013-2014**). It was decided on **30.09.2023** and the Collector, Patna remitted the matter back to the **Circle Officer, Danapur** for taking a fresh decision.

13. The further contention of the petitioner is/are that during the pendency of the Jamabandi Cancellation Appeal Case No. 09 of 2015-16, the respondent no.7 filed a **Title Suit No. 04 of 2018** dated **04.11.2018** before the **Learned Sub Judge 1st, Danapur** impleading the petitioner as Defendant no. 1 as also the vendors of the petitioner as the other Defendants. The prayer in the Title Suit was for the declaration of their title over the property in question as also a declaration to hold that this petitioner has no title with further prayer to hold that the mutation order passed in favour of the petitioner be declared as illegal and without any title.

14. The averment in the writ petition is that the civil suit was ultimately dismissed as withdrawn on **17.05.2025** with further orders that the private respondent herein shall be precluded from instituting any fresh suit with respect to the



subject matter.

15. The story once again goes back to the order passed by the Collector, Patna on 30.09.2023 which followed institution of the **Mutation Case No. 1422-R-27/24-25** on the petition filed by the petitioner and **Mutation Case Nos. 7706 of 2023-2024 and 7727 of 2023-2024** registered on the petitions preferred by the respondent no.7.

16. The petition preferred by the petitioner was allowed by the **Circle Officer, Danapur on 15.06.2024** holding his possession over the land (Annexure P/9 to the writ petition). Aggrieved, the respondent no.7 moved before the **Deputy Collector Land Reforms, Danapur** vide **Mutation Appeal No.365 of 2024-2025** which was decided on **18.10.2024** against the petitioner after observing that since the title suit (of the respondent no.7) is pending vide **Title Suit No.04 of 2018** before a competent Civil Court, the Circle officer, Danapur ought not have passed the order. The order dated **15.06.2024** passed by the Circle Officer, Danapur was thus set aside.

17. The petitioner thereafter preferred **Mutation Revision Case No.101 of 2024-25** against the said order dated **18.10.2024** passed by the Deputy Collector Land Reforms, Danapur which is presently pending before the learned



Additional Collector, Patna.

18. The parallel story of the present case is that meanwhile, the **Circle Officer, Danapur** vide an order dated **28.10.2024** allowed the petitions (**Mutation Case No. 7706 of 2023-24 and 7727 of 2023-24**) preferred by the respondent no.7 based on the order passed by the Collector, Patna in **Jamabandi Appeal Case No. 09 of 2015-16**. The contention is that this order was passed on **28.10.2024** when the suit was still pending which ultimately came to be dismissed as withdrawn with cost against the respondent no.7 on **17.05.2025**.

19. The further contention is that having realized his mistake, the Circle Officer, Danapur himself referred the matter to the **Deputy Collector Land Reforms, Danapur** which led to the registration of the **Appeal No. 09 of 2024-2025** and after hearing the parties, vide an order dated **06.11.2024**, the order dated **28.10.2024** passed by the **Circle Officer, Danapur** was set aside (Annexure P/13 to the writ petition).

20. Thereafter, the respondent no.7 moved in **Mutation Revision No. 25 of 2025-26** before the Additional Collector, Patna. It is to be noted that the Mutation Revision No. 101 of 2024-25 preferred by the petitioner relating to the same cause/land was already pending before the Additional Collector,



Patna.

21. However, instead of taking up the two cases together and/or noticing the petitioner in the Mutation Revision Case No.25 of 2025-26, in a haste, the Additional Collector, Patna vide an order dated 14.10.2025 allowed the said revision application preferred by the respondent no.7.

22. Aggrieved, the present writ petition.

23. Mr. Mrigank Mauli, learned Senior Counsel for the petitioner has taken this Court to the said application (**Mutation Revision No. 25 of 2025-26**) preferred by the respondent no.7 to show that it clearly records his contention that the petitioner has illegally got the land transferred in his name.

24. The submission is that despite dedicating number of paragraphs in his application leveling allegation against the petitioner, the respondent no.7 deliberately failed to ensure that:

*(i) the **Mutation Revision Case No. 101 of 2024-25** preferred by the petitioner is tagged with its case;*

*(ii) to request the Additional Collector, Patna to notice the petitioner in **Mutation Revision No. 25 of 2025-26** so that he can also*



be heard following the principle of natural justice before an order is passed.

25. The submission is that despite the petitioner being the stakeholder to the said property and in peaceful physical possession and the respondent no.7 fighting the legal battle for the last one decade with it, without issuance of any notice and/or deciding the revision application preferred by the petitioner pending before the same respondent alongwith the petition of the respondent no.7, in a haste, the order in question dated **14.10.2025** was passed by the learned **Additional Collector, Patna** which warrants interference.

26. The respondent no.7 upon notice has appeared and Mr. Abhinav Shrivastav, learned Senior Counsel is representing it. The contention put forward is that the purchase of the land by the respondent no.7 is earlier to the present petitioner having been purchased on **26.09.1996** and since then, not only the respondent no.7 is in possession of the land, has regularly fought the legal battle with the petitioner.

27. The further contention is that number of times, the matter moved from the Circle Office, Danapur to the office of the Collector, Patna and ultimately, the respondent no.7 preferred **Title Suit No. 04 of 2018** which in the particular facts



and circumstance was withdrawn on **17.05.2025**.

28. The contention further is that lastly, while the respondent no.7 preferred **Mutation Revision No. 25 of 2025-26** before the **Additional Collector, Patna** against the order passed by Deputy Collector Land Reforms, Danapur, the **Mutation Revision Case No.101 of 2024-25** also preferred by the petitioner is still pending before the Additional Collector, Patna.

29. The contention of the learned Senior Counsel further is that though the Mutation Revision Case No. 25 of 2025-26 of the respondent no.7 has been disposed of, the Mutation Revision Case No. 101 of 2024-25 preferred by the petitioner is still pending before the Additional Collector, Patna where he can raise all the points available to him. The submission is that in that background, no interference is required and the writ petition be dismissed.

30. Learned State Counsel, Mr. Bijoy Kumar Sinha though tried to justify the order in question candidly concedes that when the details of the petitioner was/were available in the Mutation Revision petition preferred by the respondent no.7 and the Mutation Revision application of the petitioner was also pending, allegations were directly made against him in the plaint



by the respondent no.7 which reflects from the order itself, an opportunity of hearing must have been given to the petitioner.

31. This Court has heard the parties at length. The issues/points that need consideration by this Court is/are that:

“(i) whether the petitioner as also the respondent no.7 is/are fighting the battle relating to the land in question before the different courts since last one decade or not;

(ii) in case, the answer to the first question is in affirmative, whether both the parties have to be heard before an order is passed with regard to the land in question or not;

(iii) if again, the answer to the second question is in affirmative, whether the respondent Additional Collector, Patna in that background erred in passing the order in question without the issuance of notice the petitioner and/or allowing him to present his case or not;

(iv) whether in the aforesaid circumstances, an interference is required in the matter or not.”

32. This Court has detailed out the entire facts of the



case and finds that in the roller coaster journey of the legal battle fought between the petitioner and the respondent no.7, in almost every order, the presence of both the parties have been recorded. Further, the **Mutation Revision Case No.101 of 2024-25** filed by the petitioner was already pending before the **Additional Collector, Patna** which followed the **Mutation Revision Case No.25 of 2025-26**.

33. Further, the plaint preferred by the respondent no.7 in Mutation Revision Case No. 25 of 2025-26 contained allegation/grievance against the petitioner clearly, the Additional Collector, Patna failed to follow the principle of natural justice.

34. The sole purpose of principle of natural justice is to prevent miscarriage of justice to any individual/party who may in any manner stands affected by the order.

35. The Hon'ble Supreme Court in number of cases has held that even an administrative order which involves civil consequences must be consistent with the rules of natural justice.

36. The civil consequences was referred as not merely a property or personal rights but of civil liberties, material deprivation as also non-pecuniary damages. In other words, anything and everything that affects a citizen his civil life



warrants application of principle of natural justice.

37. In the aforesaid context, it is surprising that the Additional Collector, Patna completely overlooked the interest of the petitioner while passing the order in question in a haste. It is more disturbing considering the fact that the Mutation Revision preferred by the petitioner was already pending before the said court which was not taken up/ignored.

38. In the aforesaid background, this Court is of the opinion that having taken note of the allegation made by the respondent no.7 against the petitioner in the plaint, the least that was expected from the Additional Collector, Patna was to notice and hear him. However, not only the respondent Additional Collector, Patna failed to follow the principle of natural justice, it further erred in not tagging the **Mutation Revision Case No. 101 of 2024-25** alongwith the **Mutation Revision No. 25 of 2025-26** and in a very mechanical manner disposed it of vide an order dated 14.10.2025.

39. Thus, the points/issues that were framed in para 29 stands answered as follows:

(i) for the said land, both the petitioner as also the respondent no.7 have locked horns for the last one decade and the plaint of Mutation



Revision No. 25 of 2025-26 had contents dedicating to the petitioner;

(ii) in that background, before passing any order, the respondent Additional Collector, Patna was duty bound to notice/hear the petitioner in the Mutation Revision application no.25 of 2025-26 preferred by the respondent no.7;

(iii) the Additional Collector, Patna by ignoring the contents of the plaint preferred by the respondent no.7 and having failed to notice the petitioners clearly erred in passing the order dated 14.10.2025 in question;

(iv) thus, the order dated 14.10.2025 passed in Mutation Revision Case No. 25 of 2025-26 needs interference.

40. Accordingly, ordered. The order dated 14.10.2025 passed in Mutation Revision Case No. 25 of 2025-26 by the Additional Collector, Patna stands quashed.

41. The **Mutation Revision Case No. 25 of 2025-2026** (preferred by the respondent no.7) stands revived and is remitted back to the concerned respondent no. 4, the Additional Collector, Patna who shall ensure that the case is tagged with the



Mutation Revision Case No.101 of 2024-25 (preferred by the petitioner) and after noticing all the relevant parties/stakeholders, a proper/ reasoned/ comprehensive order has to be passed in accordance with law, at an earliest.

42. Both the parties have undertaken to maintain status quo with regard to land in question till an order comes from the Additional Collector, Patna.

43. The writ petition is disposed of with the aforesaid observations.

(Rajiv Roy, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	02.07.2026
Transmission Date	

