

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20756 of 2025

Ranju Sharma Daughter of Late Suresh Sharma, Wife of Sri Sanjeev Kumar,
Resident of Village- Pandeypur, P.S. Neora, District- Patna, Presently residing
at Village-Dharampur (Kurji Mahmadpur), P.s.-Phulwari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Sub-Divisional Public Grievance Redressal Officer, Patna Sadar, Patna.
5. The Additional Collector, Patna.
6. The Deputy Collector Land Reforms, Patna Sadar, Patna.
7. The Circle Officer, Phulwarishariff, Patna.
8. The Superintendent of Police, Patna.
9. The Station House Officer, Phulwarishariff Police Station, Patna.
10. Sri Rohit Kumar, Son of Not Known, Resident of Garikhana, Khagaul, P.S.- Khagaul, District-Patna.
11. Vijay Sharma, Son of Late Gopal Sharma, Resident of Village-Sherpur, P.S.- Sherpur, Patna.
12. Nitu Ranjan, Wife of Jay Prakash Ranjan, Resident of Gola Road, P.S.- Rupaspur, Patna.
13. Girdhar Sharma, Son of Late Sri Ram Sharma, R/o Village and P.O. Gangahara, P.S.-Shahpur, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate. Mr. Kanishka Shankar, Advocate.
For the State	:	Mr. Madanjeet Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-01-2026 Heard learned counsel appearing on behalf of the
petitioner and learned counsel for the State.

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 setting aside the Ex-Party Order dated 23.02.2021 passed by D.C.L.R. Patna in Mutation Appeal No. 24/2020-21 whereby Mutation appeal was allowed with respect to piece of land, which is subject matter of Title Partition Suit No. No. 157/2011.

II. For setting aside the order dated 10.07.2025 passed by the Sub-Divisional Public Grievance Redressal Officer, Patna Sadar, Patna, whereby petitioner's complaint bearing Complaint No. 999957904042524022 has been disposed of without taking decision with regard to the mutation of the private respondent which was carried out during pendency of the Title Partition Suit No. 157/2011.

III. For setting aside the order dated 21.07.2025 issued with the signature of S.H.O. Phulwarishariff Police Station, Patna whereby the private respondent has been allowed construction upon the land in question even without measurement of the land and it has further been ordered that the private respondent may get the Magistrate and police force appointed for construction of the building upon the land in question.

IV. For issuance of direction to the respondent authorities to demarcate the land of the private respondent as per the registered sale deed and stop the construction until measurement is carried out.

V. For any other relief/reliefs for which the petitioner may be deemed entitled to.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is aggrieved by the order dated 21.07.2025 (Annexure P/7). The Circle Officer, Phulwarisharif without considering the provisions of Section 6(12) of the Bihar Land Mutation Act, 2011 has passed the said order. Section 6(12) of the Mutation Act restrains the Circle Officer to pass any order in those cases where title between the parties is disputed. Learned counsel informs that Title Partition Suit No. 157 of 2011 is pending between the petitioners and the respondent nos. 10 to 13, in which plaintiffs are respondent nos.



10 to 13 hereof and the petitioners are the defendant. He submitted that in spite of prohibition contained in Section 6(12) of the Mutation Act and the order dated 06.04.2017 passed by the learned ADJ-IV, Patna by which status quo was directed to be maintained, the Circle Officer illegally allowed the respondent nos. 10 to 13 to construct structure over the said land, even though he has taken notice of the information which the petitioner gave in Janta Darbar. Learned counsel submitted that much prejudice has been caused to the petitioner, as the very nature of the suit, as a result of the subsequent development, will change giving rise to multiplicity of the litigation forcing the petitioner to file the present writ petition.

4. The matter was adjourned and today Mr. Madanjeet Singh, learned counsel appearing on behalf of the State informs that the DCLR who has passed the order dated 23.02.2021 in Mutation Appeal No. 24/2020-21 having been apprised of the information that Title Partition Suit no. 157 of 2011 is pending between the parties has immediately taken steps to file revision before the Additional Collector, Patna and Revision Case No. 425/2025-26 has been registered so that the order dated 23.02.2021 is not given effect.

5. Heard the parties.



6. Having heard the rival contention made by the parties and recorded evidence that vide order dated 06.04.2017, learned ADJ-IV, Patna had directed to maintain *status quo* and the said development has been noticed by the private respondent nos. 10 to 13, in spite of the said judicial order passed by a competent court having jurisdiction, both the DCLR and the Circle Officer exceeded their jurisdiction by passing orders dated 23.02.2021 and 21.07.2025 respectively against the provisions contained in Section 6(12) of the Mutation Act, which renders the aforesaid orders nullity being passed without jurisdiction.

7. In the present case, it is deliberate and intentional on the part of the Circle Officer who has exceeded his jurisdiction willfully to disobey the order of the competent Civil Court, at the same time, he has put the petitioner to face consequence of his illegal act by giving undue advantage to the private respondents. The orders dated 23.02.2021 and 21.07.2025 being illegal are quashed and set aside.

8. I direct the the District Magistrate cum Collector, Patna to call upon the records of the land relating to Khata No.2, Plot No. 1278, Thana No.41, measuring 2.5 decimal situated in Dharampur (Korji Dharampur), P.S.-Phulwarisharif, District –



Patna and see that why the Circle Officer has acted knowingly with an intention to give undue favour to the private respondents. The Collector, in such circumstances, must be vigilant and conscious enough to exercise his jurisdiction to take action even though the Circle Officers are protected under Mutation Act for having committed error, but not for deliberate action to disobey the judicial orders passed by the competent civil court, particularly in view of the protection contained in Section 6 (12) of the Act.

9. The writ application, accordingly, stands disposed of.

(Purnendu Singh, J)

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