IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(C) No.2744 of 2022

Madan Mohan Prasad, Son of Late Lalmuni Devi and Ram Singhasan, Resident of L4/22, New Gandal Road Sakchi, P.O. & P.S. Sakchi, Jamshedpur, Dist.- East Singhbhum, present residing at Dimna Road, Old Check Post, Near Lal Clinic, Mango, P.O. & P.S.- Mango, Jamshedpur, Dist. East Singhbhum.

… Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, East Singhbhum, P.O. & P.S.- Jamshedpur, Dist. East Singhbhum.
3. The Deputy Commissioner Land Reforms, East Singhbhum, P.O. & P.S. Jamshedpur, Dist. East Singhbhum
4. The Circle Officer, Golmuri, P.O. & P.S. Mango, Jamshedpur, Dist.- East Singhbhum.

… Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioners: Mr. Kaushlendra Prasad, Advocate
Mr. Jinid Seteng Horo, Advocate
Mr. Nityanand Mahato, Advocate

For the Respondents: Mr. P.C. Sinha, AC to G.A. III

O R D E R

Reservedon :02.09.2026 **Pronounced on 10.09.2026**

In this writ petition, the petitioner has prayed for a direction upon concerned respondent to mutate the land of Khata No. 427, Plot No.2160, area 0.02.40 H., situated at Mango, Ward No. 10, Jamshedpur in favour of petitioner. The petitioner is aggrieved of the alleged arbitrary rejection of the petitioner's offline land mutation application for aforesaid land in question. The Circle Officer rejected the application solely on the ground that it was not submitted Online.

2. Learned Counsel for the petitioner contended that the Circle Officer acted without statutory authority by arbitrarily refusing to accept his Offline Mutation Application. It is contended that Section 11 of the Bihar Tenants Holdings (Maintenance of Records) Act, 1973, mandates

the acceptance of Mutation Applications in a "prescribed form" without restricting submission strictly to an Online mode. The petitioner emphasized that the State has not enacted any legislative amendment of the provision under Section 11 of the Act to legally exclude Offline filings or mandate exclusive Digital/Online submissions. Thus, he contended that respondent may be directed to proceed with his Offline Application and pass order of mutation with respect to the aforesaid land in question in favour of the petitioner.

3. Learned Counsel appearing for the respondent-State defended the Circle Officer's refusal to accept Offline Applications. He submits that enforcing Online filing is a crucial policy measure designed to stop issuance of illegal rent receipts and bring accountability to the land mutation process and a digitized system ensures effective tracking of the creation and cancellation of mutations. He further contended that government is actively taking steps to draft and execute necessary statutory amendments to Section 11 of the Bihar Tenant’s Holdings (Maintenance of Records) Act, 1973 in this regard.

4. I have also gone through the records of this case. From the records of the case and arguments of the parties, I find that the dispute in this case is with regard to not accepting Offline Application for the mutation of land in question. Filing application for mutation is governed by the provision contained in Section 11 of the Bihar Tenants Holdings (Maintenance of Records) Act, 1973. For better appreciation, Section 11 of the Act, 1973 is quoted below:

> ***11. Under-raiyat claiming to have acquired the status of occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 to file application before the Anchal Adhikari.***- *Every under-raiyat having acquired the status of an occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) shall file application in the prescribed form before the Anchal Adhikari.*

5. The primary object of The Bihar Tenants Holdings (Maintenance of Records) Act, 1973 is to maintain and update accurate land records of holdings of raiyats (tenants) to facilitate efficient land revenue collection by the state government. Admittedly, the provision of

Section 11 of the Act only mandates filing of application in "prescribed form" before the Anchal Adikari (Circle Officer).

6. The petitioner is bent upon to file Offline Application. He refers to Section 11 of the Bihar Tenants Holdings (Maintenance of Records) Act, 1973 in support of his contention that the said provision does not provide for filing of any Online Application.

7. It is true that the said provision does not use the word “Online Application”, rather provides that an application has to be filed in the “prescribed form”. Non-inclusion of the word “Online Application” will not eliminate such type of application, nor it can be interpreted in a manner that filing of Online Application is prohibited.

8. It is well settled that the statutory interpretation of a provision is never static but is always dynamic. It must be done, keeping the new changes/challenges which were not at the time of promulgation of the relevant statute. The Hon’ble Supreme Court in **Shailesh Dhairyawan v. Mohan Balkrishna Lulla, (2016) 3 SCC 619** held as under:

> ***“32. Of the aforesaid three components, namely, language, purpose and discretion “of the court”, insofar as purposive component is concerned, this is the ratio juris, the purpose at the core of the text. This purpose is the values, goals, interests, policies and aims that the text is designed to actualise. It is the function that the text is designed to fulfil.***
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> ***33. We may also emphasise that the statutory interpretation of a provision is never static but is always dynamic.Though the literal rule of interpretation, till some time ago, was treated as the “golden rule”, it is now the doctrine of purposive interpretation which is predominant, particularly in those cases where literal interpretation may not serve the purpose or may lead to absurdity. If it brings about an end which is at variance with the purpose of statute, that cannot be countenanced. Not only legal process thinkers such as Hart and Sacks rejected intentionalism as a grand strategy for statutory interpretation, and in its place they offered purposivism, this principle is now widely applied by the courts not only in this country but in many other legal systems as well.”***

9. Bihar Tenants Holdings (Maintenance of Records) Act is of the year 1973, which was amended in 1983. In that era digitisation or

computerisation was a distant dream. Now, after gradual passage of time, digitisation and computerisation has become the norm. Digitising the records, sorting and uploading them on online portal is not only made easier, but has also brought expected transparency in the process. It also eliminates delay, especially the delay, which usually occur in movement of file from one table to another. Manipulations in physical forms and physical entries are also eliminated.

10. As per Section 11 of the Bihar Tenants Holdings (Maintenance of Records) Act, 1973, as held above, the only requirement is to file an application. Now, due to advent of this electronic and digital era, these applications can be filed Online and Offline also, meaning thereby, filing an application in this era cannot be limited only to physical application or by physical mode. Where there is a mandate of filing an application and if there is a provision for making such application Online also, it will be deemed that the requirement of law is fulfilled even by filing Online Applications. Thus, filing of an application in terms of Section 11 of the Bihar Tenants Holdings (Maintenance of Records) Act, 1973 cannot be restricted to Offline Applications only, this will include filing of Online Applications also.

11. Now, the next question is about the convenience of the applicants. In backward areas, it is very difficult for a person to file an application Online through digital mode. In our country, there is great digital divide and impasse. Digital facilities are not uniformly distributed. Time has come to shift. There are facilities viz. “Suvidha Kendra” at Panchayat Offices and Pragya Kendras. Legal aid facilities are also making entries in these fields as they are well equipped with men and machineries. Mobile vans and centres are also working in different remote areas to give assistance to the people. A person, who is illiterate or does not have e-facilities, can very well approach these centres where, definitely, men and machineries are there to sort out the problems of the petitioner or applicants alike petitioner. Mobile e-Seva Vans and Para Legal Volunteers can reach to a person, who cannot reach the Static Centres.

12. In this background, keeping in view the aspect of transparency and maintaining land records properly, in order to eliminate and minimise disputes, if the Revenue Authorities emphasise filing of

Online Application, same cannot be said to be violative of Section 11 of the Bihar Tenants Holdings (Maintenance of Records) Act nor it can be said to be transgessing the authority or jurisdiction.

13. Thus, I find no illegality in the action of the respondents in insisting for online Mutation Application from the petitioner and/or refusing to accept the offline application of the petitioner. The petitioner should fill up the Online Form, immediately. If there is any difficulty, he should approach the District Legal Services Authority through any Para Legal Volunteer, who should address the issue of the petitioner and help him to fill up the form. Once, the form is filled up, the respondent authorities must take decision and communicate the same to the petitioner.

14. This writ petition is, accordingly, disposed of. Pending interlocutory applications, if any, stand disposed of.

(Ananda Sen, J.)

Ranchi
Dated 10th September, 2026
Kumar/Cp-02
AFR

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