

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1095 of 2023**

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1. Chinta Devi Wife of Upendra Kumar Ojha, Resident of Village-Nawadih, P.O.-Sandaur, P.S.-Bihiya, District-Bhojpur, Pin Code-802154 (Bihar)
2. Kumkum Devi Wife of Krishna Kant Ojha, Resident of Mohalla-Jai Hind Colony, M.P. Bagh, P.S.-Ara Nawada, District- Bhojpur, Pin Code-802301 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Bhojpur at Ara, District- Bhojpur (Bihar).
3. The Superintendent of Police, Bhojpur at Ara, District- Bhojpur (Bihar).
4. The Deputy Collector Land Reforms, Jagdishpur, District- Bhojpur (Bihar)
5. The Circle Officer, Bihiya, District- Bhojpur (Bihar)
6. The Station House Officer, Bihiya Police Station, District- Bhojpur (Bihar).
7. Jamuna Mahto Son of Late Medha Mahto Resident of Village-Dharhara, P.O.-Bihiya P.S.-Bihiya, District- Bhojpur (Bihar).
8. Raju Yadav Son of Bindhyachal Yadav Resident of Village-Fingi, P.S.-Bihiya, District-Bhojpur (Bihar).
9. Munna Yadav Son of Kauleshwar Yadav Resident of Village-Fingi, P.S.-Bihiya, District-Bhojpur (Bihar).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar Pandey, Advocate  
For the Respondent/s : Mr. Rishi Raj Sinha (SC-19)

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 27-06-2023**

Heard learned counsel for the petitioners and  
learned counsel for the State.

2. The present writ application has been filed for  
setting aside the order dated 18.12.2022 passed by Circle  
Officer, Bihiya in Mutation Case No. 2214 of 2022-23.



3. Learned counsel for the petitioners submits that he has moved earlier before the Circle Officer, Bihiya bearing Mutation Case No. 638 R27/2021-2022 which was dismissed on 25.08.2021 on the ground that the petitioners were not present on the said date. Thereafter the petitioners have preferred Mutation Appeal No. 102 of 2021-22 which was allowed and matter was remanded back vide order dated 30.08.2022. Upon remand the Circle Officer, Bihiya has assigned a new name of this case as Mutation Case No. 2214 of 2022-23 and the said order has been passed on 18.12.2022. Counsel for the petitioner further submits that the present order passed by Circle Officer, Bihiya in Mutation Case No. 2214 of 2022-23 is appellable under the Mutation Act, 2011 but since petitioners are females and private respondent particularly respondent IIIrd set, on whose instance this dispute is continuing, is powerful musclemans of the locality and it is due to this reason the relief for police protection has also been demanded by the petitioners.

4. Learned counsel for the State submits that the order passed by the Circle Officer, Bihiya is appellable under the Statute. He further submits that from the record of the case, the petitioners themselves admit that criminal proceeding under section 144 of Cr.P.C. was going on for the said land. Counsel



further submits that there is no such exemption given in law that for a female, there shall be exemption of Statute.

5. Upon going through the submissions of the parties, this Court is of the firm view that when statutory appeal is permissible under law then the petitioner ought to prefer appeal. So far as life of protection is concerned, the petitioners are free to file F.I.R. against wrong doers, if there is apprehension of breach of peace they are free to take action under Cr.P.C. against wrong doers.

6. With the aforesaid direction, the present writ petition is hereby dismissed with liberty that the petitioners may prefer appeal. Delay, if any, is hereby condoned.

**(Dr. Anshuman, J.)**

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