

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2730 of 2015

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1. Narendra Tiwary son of Late Chandrika Tiwary
2. Narendra Tiwary son of Late Dwarika Nath Tiwary
3. Pramod Kumar Tiwary son of Narwadeshwar Tiwary All residents of village and post office Barki Nainijor, Police Station Brahampur, District Buxar

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Buxar
3. The Circle Officer, Buxar Anchal, District- Buxar

.... Respondents

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Appearance :

For the Petitioners : Mr. Ashok Kumar Garg

For the Respondents : Mr. Abbas Haider SC-16

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 16-02-2015

Heard Mr. Chaubey, learned senior counsel for the petitioners and Mr. Ranjay Kumar Singh AC to SC-16 for the State.

It is rather unfortunate that the citizens have to move this Court for a direction upon the authority to act on the application filed for mutation which the Circle Officer is obliged to pass under Right to Service Act within a time frame.

In the case at hand the petitioners claimed to have purchased the land from the vendor who was mutated in respect thereof and filed an application seeking mutation vide receipt dated 23.1.2012 (Annexure-2 series). Since no action was taken thereon the petitioners have approached this Court for commanding the said

respondent to act on the said application of the petitioners and take appropriate decision in accordance with law. It has also been stated that another purchaser of the land in the same khata and from the same vendor filed an application for mutation in the Court of the Circle Officer vide case no. 3333 of 2009-10 which was acted upon and allowed vide order dated 20.3.2010. In the case of the petitioners the respondent-Anchal Adhikari has not taken cognizance of the mutation application filed by them.

Having heard the parties and considering the agreement at Bar the present application is disposed of by directing the respondent –Circle Officer, Buxar Anchal to consider and dispose of the mutation application filed by the petitioners under receipt dated 23.01.2012 incorporating the details of the applicants as quickly as possible preferably within five weeks from the date of receipt/production of a copy of this order.

The registry shall communicate a copy of this order to the District Magistrate, Buxar for his information and neeful.

(Kishore Kumar Mandal, J)

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