

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13805 of 2011

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1. Kitab Lal Rai S/O Late Awadh Rai R/O Vill.- Daudpur, P.O.- Shahpur,
P.S.- Shahpur, Distt.- Patna

2. Baidyanath Rai S/O Late Awadh Rai R/O Vill.- Daudpur, P.O.- Shahpur,
P.S.- Shahpur, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Urban Department

2. Executive Officer, Nagar Parishad, Danapur Nizamat, Danapur, Distt-
Patna

3. Shibanti Devi W/O Manohar Lal Vishwakarma R/O Vill.- Daudpur,
P.O.- Shashpur, P.O.- Shahpur, Distt.- Patna

.... Respondents

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Appearance :

For the Petitioners : None

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 14-09-2015 None for the petitioner. Same is the case with the
respondents.

The order impugned in the present application has
been passed by the Executive Officer , Nagar Parishad, Danapur,
Nizamat on 20.6.2011 (Annexure-4) granting mutation in respect
of the subject land in favour of the respondent no.3.

On going through the impugned order, it appears the
order has been passed in the light of the judgment and decree
passed in Title suit which got affirmed in appeal. The mutation
was objected on the ground that a Second Appeal is pending
before this Court against the judgment and decree passed by the

appellate Court in Title Appeal no. 62 of 1988. The respondent- Executive Officer has correctly noted in the order that in the light of the decree passed by the Court of competent civil jurisdiction the mutation is being allowed for the purpose of realization of rent. The order, however, shall abide by the final decision of this Court in the pending Second Appeal. This Court does not find patent illegality in such consideration of the matter meriting interference.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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