

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.961 of 2011

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Krishna Devi W/O Sri Jagdip Pandit, R/O Vill- Bhagwatipur Ibrahim, P.S-
Karpi, Distt- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-Cum-Collector, Arwal.
3. The Deputy Collector Land Revenue (DCLR), Arwal.
4. The Deputy Collector Land Revenue (DCLR), Jehanabad.
5. The Circle Officer, Karpi, Arwal.
6. The Circle Inspector, Karpi, Arwal
7. Smt Chndrakanti Devi W/O Sri Ramadhar Pandit, R/O Vill- Bhawatipur Ibrahim, P.O- Anuan, P.S. Karpi, Distt- Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate
Mr. Umesh Kumar

For the Respondent Nos. 1 to 6 : Mr. Ravi Bhardwaj, AC to GA 5

For the Respondent No.7 : Mr. Subodh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 09-09-2015

Heard the parties.

The petitioner is aggrieved by order dated 06.06.2010 (Annexure-4) passed in Mutation Revision Case No. 03/DM/2009, by the respondent District Collector, Arwal, whereby aforesaid revision application filed on behalf of the respondent no.7 has been allowed after setting aside the order dated 12.02.2009 (Annexure-3) passed in Mutation Appeal Case No. 06 of 1997-98/09 of 2008 by the respondent DCLR, Arwal and the matter has been remitted back to the DCLR. Arwal with a direction to decide the mutation appeal afresh.

Learned counsel appearing on behalf of the petitioner while assailing the validity and correctness of the impugned revisional order dated 06.06.2010 (Annexure-4) has raised various points including that the revision application filed on behalf of the

respondent no.7 was barred by limitation. Furthermore, it has been pointed out that during pendency of the present writ petition Title Suit No.33 of 1992 brought by the petitioner in respect to the land in question has been decreed by judgment and decree dated 22nd August, 2013 passed by learned Munsif, Jehanabad, though copy of the aforesaid judgment and decree has not been brought on the record.

Learned counsel appearing on behalf of the respondent no.7 as also learned State counsel appearing on behalf of the respondent nos. 1 to 6, on the other hand, have supported the impugned order and have contended that since the matter has been remitted back to the respondent DCLR, Arwal for fresh decision, therefore, the writ petition filed on behalf of the petitioner is liable to be dismissed. It is further contended that otherwise the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna and on that count also writ petition is liable to be dismissed.

After having heard the parties and on consideration of the materials available on the record, this Court finds that by the impugned order dated 06.06.2010, the matter has been remitted back to the court of the respondent DCLR, Arwal, who in turn, is required to decide the claim of the parties afresh after giving an opportunity of hearing to them. If the submissions made by the learned counsel for the petitioner that the civil court has decreed the suit in favour of the petitioner with respect to the land in question is found to be correct, then certainly the respondent DCLR, Arwal shall be obliged to take into consideration the judgment and decree of the Civil Court before passing any final order regarding mutation of the land in question.

It goes without saying that the parties shall be at liberty to raise all the issues of facts and law with respect to land in question, which may be available to them, before the respondent DCLR, Arwal.

In the aforesaid factual matrixes, this Court does not find any good ground to interfere with the impugned order of remand passed by the respondent District Collector, Arwal.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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