

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2569 of 2015

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1. Prabhat Kumar Choudhary son of Late Ramanand Choudhary, resident of Mohalla Chak Lokman Ward No.9, P.S. Dalasing Sarai, Samastipur
 2. Sudhir Kumar Choudhary son of Late Bindeshwary Choudhary resident of Mohalla Chak Lokman Ward No.9, P.S. Dalasing Sarai, Samastipur
 3. Pradeep Kumar son of Late Ramanand Choudhary resident of Mohalla Chak Lokman Ward No.9, P.S. Dalasing Sarai, Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue and Land Reforms Department of Govt of Bihar, Patna
2. The Collector Samastipur
3. Addl. Collector(Land Reforms) Samastipur
4. Deputy Collector, Land Reforms Dalsing Sarai, Samastipur
5. Circle Officer Dalasing Sarai, Samastipur
6. Sushil Kumar Sureka son of Sri Prabhu Prasad Sureka, Muhalla Bhagwankpur Chak Shekhu Ward No.6, P.S. Dalasing Sarai, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Respondent/s : Mr. Nawal Kishore Singh-SC2-

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 10-02-2015

Heard the parties.

With the consent of the parties, this writ application is being disposed of at this stage.

The petitioners filed an application before the Circle Officer for mutation of their names. Respondent no.6 also made similar application. The Circle Officer rejected the claim of the petitioners. Aggrieved thereby the petitioners filed mutation appeal vide Mutation Case No. 02 of 2014. The respondent Deputy Collector, Land Reforms, after hearing the parties by a reasoned

order, disposed of the appeal directing the Circle Officer to consider the case of the parties in the light of the point formulated therein and take appropriate decision afresh in accordance with law.

One of the points formulated by the respondent-Deputy Collector, Land Reforms was that the Circle Officer should consider whether the subject land is the government land recorded as such in the revenue records. If that be the case then appropriate recommendation be made for cancellation of Jamabandi. The Circle Officer issued notice(s) to the parties and heard the case afresh. On getting report from the Circle Inspector/Halka Karamchari and after perusing the materials placed by the parties the Circle Officer recommended cancellation of Jamabandi No. 425 in respect of plot nos. 348, 349, 369,372 and 365 which was found the government land. Aggrieved thereby the present writ application has been filed.

Admittedly, the matter is pending consideration as per the order dated 28.10.2014 (Annexure-9) before the Additional Collector who has requisite jurisdiction in terms of section 9 of the Bihar Land Mutation Act, 2011. The matter has not finally been adjudicated and no order adverse to the petitioners has till date been passed.

Taking into account the aforesaid fact this Court is not inclined to interfere with the order dated 28.10.2014 passed by the Circle Officer (Annexure-9) granting liberty to the petitioners to

contest the matter before the Additional Collector, Land Reforms where the case is pending consideration.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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