

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1117 of 2014

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Godawari Devi wife of Ramchandra Prasad Resident of Mukhiyaji Chawk,
Narkatiaganj, Ward No. 15, P.S. - Sikarpur, District - West Champaran.

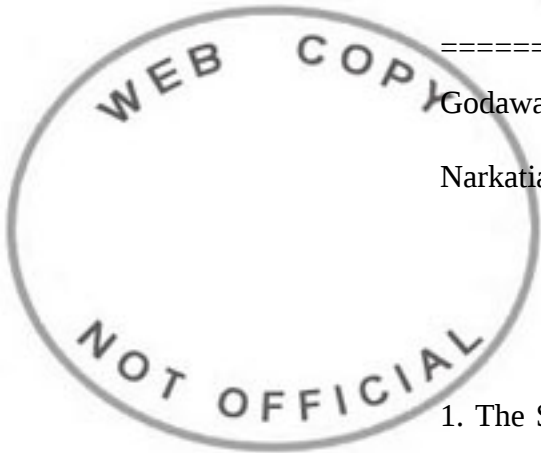
.... Petitioner/s

Versus

1. The State of Bihar through The Director General of Police, Bihar, New Secretariat, Patna.
2. The District Magistrate, Bettiah (West Champaran).
3. The Superintendent of Police, Bettiah (West Champaran).
4. The Deputy Superintendent of Police, Narkatiaganj, Bettiah (West Champaran).
5. The Station House Officer, Matariya Police Station, Bettiah (West Champaran).
6. Baldeo Prasad S/o Late Sukhdeo Prasad resident of Purani Bazar, Narkatiaganj, P.S. - Sikarpur, District - Bettiah (West Champaran).
7. Suresh Prasad S/o Baldeo Prasad resident of Purani Bazar, Narkatiaganj, P.S. - Sikarpur, District - Bettiah (West Champaran).
8. Serajul Miyan S/o Late Thag Miyan resident of village - Dumra Mubarak Tola, P.S. - Matiyariya, District - Bettiah (West Champaran).
9. Kaushal Sah S/o Late Bindeshwari Sah resident of Village - Barharwa Tola, P.S. - Matiyariya, District - Bettiah (West Champaran).
10. Circle Officer, Gaunaha, Bettiah (West Champaran).

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Saket Tiwary with
Mr. Sanjeev Kumar Dubey, Advocates
For the Respondent/s : P. N. Shahi, AAG 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

4 27-07-2015

Heard learned counsel for the petitioner and Mr. P. N. Shahi, learned A.A.G. 10 assisted by Mr. Patanjali Rishi, learned A.C. to A.A.G. 10 for the State.

Counter affidavits have been filed on behalf of respondent no. 2 as well as respondent no. 3.

The present writ application was filed for a direction to the respondent State authorities to proceed against the private respondents no. 6 to 9 and take legal action against them. Though the same is quite vague but from the pleadings it appears that the grievance of the petitioner was that without due procedure of law being followed and rather a fraud being committed in the discharge of official duties by the concerned officer at the relevant time, mutation has been done in favour of the private respondents of lands which belong to the petitioner. It was alleged that without there being any application or any camp being held on 08.03.2011, the Anchal Adhikari had mutated the land in favour

of the private respondents which required interference and also action against the private respondents.

From the counter affidavit filed on behalf of the District Magistrate, West Champaran, it transpires that an enquiry was conducted in the matter which has revealed that no camp was held in the concerned village on 08.03.2011 and further that there was no application in the camp which was held in the Anchal, from the village concerned. Thus, it has been prima facie found that there has been irregularity by the concerned officer at the relevant time.

Learned counsel for the State submits that the District Magistrate, West Champaran has assured that he shall take appropriate action in the matter to ensure that the fraud is not perpetuated and is set right.

In view of the aforesaid, the writ application stands disposed off with a direction to the District Magistrate, West Champaran (respondent no. 2) to take a final view in the matter by 5th August, 2015 and thereafter he shall issue notice to the concerned persons including the petitioner within six weeks and pass a final order exercising his powers under the Bihar Land Mutation Act, 2011.

It is clarified that if any of the parties refuses to either appear or cooperate in the matter, it would be open to the District Magistrate, West Champaran to proceed and pass final orders within the time prescribed by the Court.

(Ahsanuddin Amanullah, J)

Anjani/-

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