

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21311 of 2014

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Md. Awanul Haque, son of Md. Abdul Hafiz, resident of Village Daharpur,
P.S. Sabour, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Deputy Collector Land Reforms, Bhagalpur.
4. The Circle Officer Gouradih, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Respondent/s : Mr. Kumar Kamal nayan, AC to SC-33

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-11-2015

Heard the parties.

The grievance of the petitioner in the present writ petition filed under Article 226 of the Constitution of India is that though a petition was filed on behalf of the petitioner under the provisions of The Bihar Land Mutation Act, 2011 (In short 'Act, 2011') before the respondent Circle Officer, Gouradih (district Bhagalpur), but till date neither claim for mutation has been allowed nor the matter has been disposed of.

Though the writ petition was filed on 12.12.2014 before this Court, but till date learned State counsel has not been able to obtain instructions and file a counter-affidavit on behalf of the respondents controverting the averments made in the present writ petition.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of keeping the matter pending, enabling the learned State Counsel to obtain instructions and file a counter-affidavit, the interest of justice shall be sub-served if the petitioner

is granted liberty to file a proper petition in the prescribed form before the respondent Circle Officer under the provisions of the Act, 2011, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If an appropriate fresh petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order under the provisions of the Act, 2011, then the respondent Circle Officer, Gouradih shall be obliged to consider and decide the claims of the petitioner under the provisions of the Act, 2011 strictly in accordance with law, after giving an opportunity of hearing to all concerned, by a reasoned and speaking order.

If on consideration of the materials the respondent Circle Officer, Gouradih comes to a conclusion that claims raised on behalf of the petitioner with respect to the lands under dispute are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the respondent Circle Officer, Gouradih, strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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