

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.857 of 2011

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1. Budhan Sah
 2. Ram Babu Sah
 3. Ram Bilash Sah

All sons of Late Badri Sah. Residents of village - Mohiuddinpur ,
Rajabag , P.S.- Bangra , District – Samastipur Petitioners

Versus

1. The State of Bihar through the Collector, Samastipur
 2. The D.C.L.R., Samastipur
 3. The Anchal Adhikari , Pusa , Distt.- Samastipur
 4. Satrugan Sah S/O Late Santhal Sah, resident of Village -
Mohiuddinpur Rajabag , P.S.- Bangra , Distt.- Samastipur Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Respondent/s : Mr. AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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3 20-05-2015 Heard learned counsel for the petitioner and learned
AC to AAG-15.

The present writ petition has been filed with a prayer to quash an order dated 09.06.2003 passed in Mutation Case no.313/03-04 by the Circle Officer, Pusa, whereby on the petition filed by Respondent no.4, mutation order has been passed in his favour. Learned counsel for the petitioners accepts that for mutation, the Respondent no.4 had applied on the strength of deed of gift. The petitioners have also prayed for quashing of order of the appellate authority i.e. the order passed by the L.R.D.C., Samastipur in Case No.15/2004/9/2005 as well as the order dated 13.03.2008 passed by the Collector, Samastipur in Mutation

Revision Case no.790 of 2005.

The petitioners lost before all the three courts. Learned counsel for the petitioners has argued that the Circle Officer had passed ex parte order against the petitioners. At the time of argument, he accepts that notice was issued but the parties had approached for Panchayati and it was decided not to pursue the matter. This was the reason, the petitioners failed to appear and order has been passed. Meaning thereby that the Circle Officer had not passed order without notice to the petitioners. Since the petitioners have lost before all the three courts, it would be difficult for this Court to interfere with either of the orders that too while exercising power of judicial review.

In view of concurrent finding of fact of three courts, it would not be proper for this Court to interfere with the matter.

After the order was recorded, Sri Mukesh Kumar, learned counsel for the petitioners makes a prayer for disposal of the present writ petition, so that, if so advised, the petitioners may avail appropriate remedy.

The writ petition stands disposed of.

NKS/-

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(Rakesh Kumar, J)