

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7591 of 2006**

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Rekha Devi, wife of Awadhesh Mandal, resident of village- Gopalpatti, P.S.- Falka,  
District- Katihar.

.... .... Petitioner

Versus

1. The State of Bihar
2. Collector, Katihar, P.S. & District- Katihar.
3. Deputy Collector, Land Reforms Katihar, District- Katihar.
4. Circle Officer, Falka, P.S.- Falka, District- Katihar.
5. Bito Mandal
6. Pankaj Mandal, sons of Late Bhedo Mandal, resident of village- Pothia, P.S.-  
Falka, District- Katihar.

.... .... Respondents

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**Appearance :**

|                              |   |                                                           |
|------------------------------|---|-----------------------------------------------------------|
| For the Petitioner           | : | Mr. Md. Musowir, Advocate                                 |
| For the State                | : | Dr. Raj Kumar Singh, A.C. to S.C.8                        |
| For the Respondent Nos.5 & 6 | : | M/S P.K. Jaipuriyar and<br>Anshuman Jaipuriyar, Advocates |

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 15-01-2015**

I have heard the parties.

This application has been filed by the petitioner for quashing the order dated 1.2.2001 passed by the Collector, Katihar, District- Katihar in Misc. Case No.787 of 2000-01 contained in Annexure-4 which was filed for restoration of Mutation Revision Case No.676 of 1998 and was dismissed for default on 20.7.2000 vide Annexure-3.

It appears from the earlier order, i.e., Annexure-3 that after filing the revision, petitioner remained absent since 9.12.1999, thereafter, i.e., about more than seven months, the revision was



dismissed for default. Petitioner filed Misc. Case No.787 of 2000-01 for restoration but, as per the order of the Collector, she could not make out any ground for restoration of the mutation revision concerned. In paragraph-13, petitioner has stated that she was seriously ill since 5.12.1991 till 11.9.2000, therefore, she could not attend the court so revision petition was dismissed for default. However, the petitioner has failed to bring even the copy of the restoration application which was filed before the Collector so that it could be ascertained as to what were the grounds taken for restoration of the mutation revision as the authority concerned has come to the conclusion that no ground could be set forth by the petitioner explaining the omission. Petitioner has also not been able to bring any medical certificate etc. in support of his contention regarding being medically unfit at the relevant time.

In my considered opinion, no relief can be granted to the petitioner as no cogent ground could be raised by the writ petitioner on the basis of which interference could be made in the impugned order. There is no explanation at all as to why even a copy of the restoration application filed before the authority concerned could not be brought on record to show that certain grounds were raised but have not been considered or wrongly considered by the authority concerned.

Accordingly, the writ petition is dismissed.

However, since it is well settled that the orders passed by the Mutation Authority are only for the purpose of creating fiscal relationship between the party concerned and the State for collection of revenue and further that entry in the records of right neither creates nor extinguishes right, title and interest, this order would not come in way of the petitioner, if she is desirous to take a remedial recourse by approaching a Civil Court of competent jurisdiction.

**(Dr. Ravi Ranjan, J)**

N.A.F.R.

N.H./-

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