

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.195 of 2015

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1. Raj Mahal Devi wife of Sri Ramjee Singh, resident of village- Berath, P.S.- Chauri, Post- Berath, District- Buxar, at present Meena Bazar, Nawada, Post- Ara Nawada, Police Station- Ara, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Buxar, District- Buxar
3. The Deputy Collector, Land Reforms, Dumraon, District- Buxar
4. The Circle Officer, Kesath, District- Buxar
5. Smt. Meera Devi, wife of Raj Rishi Singh, resident of village- Chilhari, Police Station- Dumraon, Post- Pratapsagar, District- Buxar, at present Civil Lines, Buxar in front of Dist. Judge residence, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Ojha

For the Respondent/s : Mr. GP10-KUMARI AMRITA

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 03-02-2015

Heard the parties.

The petitioner approached the Circle Officer for mutation of the subject land. It was considered in Camp Court and was allowed vide order contained in Annexure-1 series. Aggrieved thereof, the private respondent filed an appeal vide appeal no. 1/2008-09. The Appellate Authority found flagrant disregard of the procedure adopted by the Circle Officer in passing the said order and therefore set aside the same. The petitioner filed revision thereagainst. The Revisional Court finding fundamental defect in the order of the Circle Officer did not interfere with the order passed by the D.C.L.R.. The



petitioner was not satisfied therewith and as such filed a proceeding before the Bihar Land Tribunal. The Tribunal by order dated 9.7.2014 passed in B.L.T. Case No. 304 of 2014 dismissed the same. All these orders passed against the petitioner have been assailed in the present writ application.

Counsel for the petitioner has submitted that the Deputy Collector Land Reforms as well as the Additional Collector in their respective orders have noticed that the procedure prescribed in dealing with mutation matter were not complied with by the Circle Officer. If there was any fundamental defect in such procedure, the course open was to remit the matter back to the Circle Officer. It has thus been submitted that the petitioner, in such view of the matter, would be entitled to file a fresh application for mutation.

Counsel for the State has simply supported the orders passed by the Deputy Collector, Land Reforms as well as the Revisional Court which got affirmed by the Tribunal vide order dated 09.07.2014 (Annexure-4).

On going through the order passed by the Appellate Authority as well as the Revisional Authority, it appears to this Court that the order passed by the Circle Officer (Annexure-1 series) was interfered with pristinely on the ground that the procedure adopted by the Circle Officer in allowing the application was contrary to law.

If that be the case, then the petitioner may be entitled to file fresh application for mutation for consideration and adjudication by the Circle Officer in accordance with law.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

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