

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21363 of 2013

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Haquikan Khatooon Wife of Mohammad Shahid, Resident of Village -
Punaura, P.S. - Dumra Dist - Sitamarhi, At Present Murgian Chak P.S. +
Dist - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar , through the Collector, Sitamarhi
2. The Additional Collector, Sitamarhi
3. The Deputy Collector Land Reforms, Sitamarhi
4. The Consolidation Officer, Dumra Sitamarhi
5. The Circle Officer, Dumra Sitamarhi
6. Krishna Kumar Wife of Raghunath Das, Resident of Village - Punaura,
P.S. Dumra, Dist - Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha

For the Respondent No.1 to 5 : Mr. Dhurjati Kr Prasad, G.P. VII

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-12-2015

The grievance of the petitioner in the present proceeding filed under Article 226 of the Constitution of India is that despite the order having been passed by the consolidation authority in her favour with respect to the lands in question, Jamabandi is not being created by the revenue authority despite representation filed by her.

The learned G.P. 7, at the very outset, has raised the question of maintainability of the present writ petition. According to him, for redressal of her valid grievances or for mutation of the land in question in favour of the petitioner, she is required to file a petition in the prescribed proforma before the prescribed authority under the provisions of The Bihar Land Mutation Act, 2011 (In short 'Act, 2011'), but that has not been done in the present case. Therefore, according to him, the writ petition is liable to be dismissed on that ground alone.

After having heard the parties and taking into

consideration the facts stated in the present writ petition as also in the counter-affidavit filed on behalf of the respondent no.2, the present writ petition is disposed of with a liberty to the petitioner to file a proper petition in the prescribed form before the prescribed authority under the provisions of the Act, 2011.

If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the competent/ prescribed authority under the provisions of the Act, 2011 shall be obliged to consider and decide the claim of the petitioner with respect to the lands in question, after giving an opportunity of hearing to the petitioner and all other concerned persons, by a reasoned and speaking order. The petition filed on behalf of the petitioner shall be disposed of at an early date preferably within a period of three months from the date of filing of such petition by the petitioner, who shall be at liberty to raise all the issues of facts and law, which may be available to him with respect to the lands in question, before the prescribed authority.

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

(Birendra Prasad Verma, J)

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