

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6351 of 2007

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Ramayan Tiwary, S/o Late Ram Bachan Tiwary, Resident of Village- Kargahar,
P.O. & P.S. Kargahar, District – Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas at Sasaram.
3. The Deputy Collector Land Reforms, Rohtas at Sasaram.
4. The Circle Officer, Kargahar, P.S. Kargahar, District- Rohtas.
5. Ram Awatar Tiwary, son of Late Ram Nagina Tiwary, resident of village –
Kargahar, District – Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 05-02-2015

Heard learned counsel for the petitioner.

The present petition has been filed with a prayer to set aside the order dated 08-01-2007 passed by the Collector, Rohtas at Sasaram/respondent no. 2, whereby, in hearing the Mutation Case No. 66 of 2003, the respondent no. 2 quashed the order of the Deputy Collector Land Reforms, Rohtas (in short “D.C.L.R.”) in Mutation Appeal No. 110 of 2002-03.

Learned counsel for the petitioner submits that the D.C.L.R., while setting aside the order of Circle Officer, Kargahar (Rohtas) passed in Mutation Case No. 1297 of 2000-01, has discussed each and every fact and was of the opinion that the land in question was joint, which was never partitioned. However, the learned

Collector quashed the order of D.C.L.R. and it was passed in favour of respondent no. 5.

Besides hearing learned counsel for the petitioner, I have also examined the orders passed in Mutation Case and Mutation Appeal as well as Mutation Revision i.e. Mutation Revision No. 66 of 2003. From the order of the Circle Officer i.e. order passed in Mutation Case No. 1297 of 2000-01, it is evident that after hearing both the parties and considering the materials on record, particularly; the fact that the petitioner had executed sale-deeds in respect of some of the land as well as the fact that the Circle Officer had noticed physical possession of respondent no. 5 over the land in question, the Circle Officer has rightly allowed the mutation case in favour of respondent no. 5. Moreover, the order of the Collector is also speaking one.

I do not find any defect either in the order of Circle Office or order passed by the learned Collector.

The petition stands dismissed.

(Rakesh Kumar, J.)

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