

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21490 of 2012

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1. Sunil Kumar Singh alias Sunil Kumar Son of Late Harishankar Singh
Resident of Village Matihani Police Station Aurai, District Muzaffarpur
 2. Sudhir Kumar Alias Sudhir Kumar Singh Son of Late Harishankar
Singh, Resident of Village Matihani Police Station Aurai, District
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector Muzaffarpur
3. The Land Reforms Deputy Collector, East Muzaffarpur, District
Muzaffarpur
4. The Circle Officer, Aurai, Police Station Aurai District Muzaffarpur
5. Shiv Dulari Devi Wife Of Vijay Kumar Singh Alias Ragho Singh
Resident Of Village Matihani Police Station Aurai, District Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Sunder Pandey
For the Respondent No.1 to 4 : Mr. Neelam Prasad, AC to GP-25
For the Respondent No. 5 : Mr. Ujjwal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 12-10-2015 Heard the parties.

The petitioner is aggrieved by the order dated 08.06.2012 (Annexure-10) passed in Mutation Appeal Case No. 14 of 2012-13 by the Additional Collector, Muzaffarpur, whereby the aforesaid mutation appeal filed on behalf of the petitioners has been dismissed and the order passed by the respondent D.C.L.R., East Muzaffarpur, as contained in Annexure-9, has been affirmed.

While assailing the impugned order, learned counsel appearing on behalf of the petitioners has raised various issues regarding right, title and possession over the lands in question as also about the manner in which the impugned orders were passed. However, he highlighted that the aforesaid appeal preferred on behalf of the petitioners against the order passed by the respondent D.C.L.R. has been rejected mechanically without application of

the independent judicial mind to the facts of the case. It is further contended that the impugned appellate order is cryptic and non-speaking one and on that ground alone, it is liable to be set aside by this Court.

Learned State counsel appearing on behalf of the respondents no. 1 to 4 and the learned counsel appearing on behalf of the respondent no.5 though have opposed the prayer made on behalf of the petitioners on merits, but they have not been able to dispute the submissions of the learned counsel that appellate order is a non-speaking and cryptic one.

After having heard the parties and on consideration of the materials available on record, this Court is of the opinion that the matter requires reconsideration and fresh decision by the Additional Collector, Muzaffarpur as the impugned appellate order dated 08.06.2012 in the present form cannot be sustained in law. Evidently, the impugned appellate order is not only a cryptic and non-speaking one, but it does not give any valid reason for dismissing the appeal of the petitioners and affirming the order of the respondent D.C.L.R., East, Muzaffarpur.

For the reasons recorded above, the order dated 08.06.2012 passed in Mutation Appeal Case No. 14 of 2012-13 by the Additional Collector, Muzaffarpur, as contained in Annexure-10, is hereby set aside and quashed and the matter is remitted back to the Additional Collector, Muzaffarpur with a direction to decide the aforesaid appeal of the petitioners afresh after giving an opportunity of hearing to both the parties. The parties shall be at liberty to raise all the issues of facts and law with respect to the lands in question as also with respect to the final order passed by the respondent D.C.L.R., East, Muzaffarpur.

In order to expedite the matter, the petitioners as also the respondent no.5 are hereby directed to appear before the Additional Collector, Muzaffarpur with a certified copy of the present order within a period of six weeks, whereafter the Additional Collector, Muzaffarpur shall fix a firm date for deciding the aforesaid appeal of the petitioners afresh by a reasoned and speaking order.

The writ petition stands allowed to the extent indicated above.

(Birendra Prasad Verma, J)

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