

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16223 of 2006

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Jitish Devi @ Jinish Devi, wife of Sachidanand Pandey, resident of village-Pandey Chakia, P.S.&Circle-Bhorey, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector of District Gopalganj.
3. The Deputy Collector Land Reforms Hathua, District-Gopalganj.
4. The Circle Officer, Bhorey, District-Gopalganj.
5. Panchanan Pandey, son of late Bindeshwari Pandey, resident of village-Pandey Chakia, P.S.& Circle-Bhorey, District-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Adv.
Mr. Ajay Kumar Mishra, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 08-08-2016

Heard learned counsel for the petitioner. However, none appears on behalf of the respondents.

The matter at issue is the claim of the petitioner for mutation of her name with respect to the lands in question, fully detailed in paragraph 4 of the writ petition.

Admittedly, though the claim of mutation raised on behalf of the petitioner with respect to the lands in question was allowed by the original authority i.e. the Circle Officer, Bhorey in the District of Gopalganj by a cryptic and non-speaking order dated 21.09.2001 (Annexure-1), but that has been reversed by the appellate authority by a reasoned and speaking order dated 16.08.2002 (Annexure-2), which has been affirmed by the revisional authority by an order dated 03.05.2005 (Annexure-3) by passing a reasoned and speaking order. Apparently, by recording concurrent findings of facts, the claim of mutation raised on behalf of the petitioner with respect to

the lands in question has been rejected by the appellate authority as also the revisional authority.

In above view of the matter, the present writ petition is dismissed.

However, the petitioner is granted liberty to approach the Civil Court of competent jurisdiction for grant of appropriate relief(s) or for getting her right and title declared over the lands in question.

If such a Civil Suit is filed on behalf of the petitioner after impleading all the necessary parties including the private respondent no.5, then the same shall be decided on its own merits without being prejudiced by the dismissal of the present writ petition.

It is also clarified that, if any such Civil Suit is already pending in which all the parties have been impleaded, then the parties shall be at liberty to raise all the issues of facts and law in the pending Title Suit with respect to the lands in question.

(Birendra Prasad Verma, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.08.2016
Transmission Date	N/A