

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1034 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 6351 of 2007
Along with
Interlocutory Application No.4304 of 2015

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Ramayan Tiwary, son of Late Ram Bachan Tiwary, resident of village, post and police station- Karagahar, District-Rohtas.

.... Petitioner- Appellant/s

Versus

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

.... Respondents-Respondent/s

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Appearance :

For the Appellant : Mr. Surendra Kumar Choubey, Advocate

For the Respondents-State : Mr. J. K. Roy, S. C. -13

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-09-2016

Re.: Interlocutory Application No.4304 of 2015

The application is for condonation of delay of 59 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1034 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Judge of this Court on 5th of

February, 2015 whereby the writ application filed by the appellant challenging the order passed by the Collector, Rohtas at Sasaram whereby he has set aside the order passed by the Deputy Collector Land Reforms, Rohtas, remained unsuccessful.

The learned Single Judge has recorded the finding that the mutation was rightly done in favour of respondent no.5 as he was found in possession of the land in question.

In terms of Section 11 of Bihar Land Mutation Act, 2011, the mutation proceedings are summary in nature. Since the learned Single Bench has not interfered with the order passed by the Collector, we do not find any justification to interfere with the order of mutation passed in exercise of summary jurisdiction. The appellant is at liberty to avail such other remedy as is available to him in accordance with law.

The Letters patent appeal is thus dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil

AFR/NAFR	N. A. F.R
CAV DATE	N. A.
Uploading Date	21.09.2016
Transmission Date	