

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19073 of 2014

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Syed Shah Anjar Hussain S/o Late Syed Shah Ashique Hussain, resident of
Mu. Dargah Road, P.S. Sultanganj, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Patna.
3. Sub Divisional Officer, Masaurhi, District Patna.
4. Circle Officer, Masaurhi, District Patna.
5. Circle Officer, Punpun, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate

For the Respondent/s : Mr. Pawan Kumar, AC to AG 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-10-2016

Heard.

2. The only grievance of the writ petitioner in the present proceeding filed under Article 226 of the Constitution of India is that the petition filed by him before the respondent Circle Officer, Punpun for mutation of his name with respect to the lands in question, mentioned in paragraph 1 of the writ petition itself, is not being taken to its logical conclusion.

3. The learned AC to GA 1 appearing on behalf of the respondents, on the other hands, submits that in the whole writ petition there is no reference of the case number filed on behalf of the petitioner before the respondent Circle Officer, Punpun.

4. In view of the nature of grievances/claims raised on behalf of the petitioner, the petitioner is directed to file a fresh petition in the prescribed format before the respondent Circle Officer, Punpun under Section 3 of The Bihar Land Mutation Act, 2011 (in short “the Act,2011”) and the Rules made thereunder within a period of one month from today.

5. If such a petition is filed on behalf of the petitioner after impleading all the necessary parties including the private individual(s) who may be also laying claims over the lands in question, within the aforesaid period of one month from today with a certified copy of the present order, then the respondent Circle Officer, Punpun shall be obliged to register a case under the provisions of the Act, 2011, and shall further be obliged to dispose of the same strictly in accordance with law, after giving an opportunity of hearing to all concerned, at an early date preferably within a period of three months from the date of filing of such petition by the petitioner.

6. This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner with respect to the lands in question and this is left to be decided by the statutory authority strictly in accordance with law after following the rules of natural justice.

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

(Birendra Prasad Verma, J)

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