

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19053 of 2014

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1. Daya Shankar Mishra, S/o Dhrub Deo Mishra
2. Maya Shankar Mishra S/o Dhrub Deo Mishra
Both Resident of Village Bhopatpur, P.S. Khawpar, District Dewaria at
present Resident of Village Shirrajpur, P.S. Bhore, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Member (Indicial), Bihar Land Tribunal, Patna.
3. Additional Collector, Gopalganj.
4. L.R.D.C., Hathua, Gopalganj.
5. Circle Officer, Bhore, Gopalganj.
6. Ramadhar Tiwari
7. Sri Sampat Tiwari
Both S/o Birj Mohan Tiwari, Resident of Village Shiv Rajpur, P.S. Bhore,
District Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.
For the Respondent nos.1to5 : Mr. Md.Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-10-2016 Heard the parties.

By the impugned order dated 05.08.2014 passed in B.L.T. Case No.285 of 2013 by the learned Bihar Land Tribunal, Patna, the matter regarding mutation of the name of the parties with respect to the lands in question has been remitted back to the appellate authority i.e. the D.C.L.R., Hathua with a direction to him to hold an inspection personally and pass a fresh order in accordance with law after giving an opportunity of hearing to the parties including the present petitioners.

In view of the fact that the matter has been remitted back to the appellate authority and the matter is yet to be decided finally by the aforesaid authority where the petitioner will have full opportunity to raise all the issues of facts and law with respect

to the lands in question, which are sought to be raised in the present proceeding, this Court is not inclined to accede to the prayer made on behalf of the petitioner in the present writ petition.

The writ petition is devoid of merit and is, accordingly, dismissed.

However, the petitioner shall be at liberty to raise all the issues of facts and law with respect to the lands in question in the pending appeal before the respondent D.C.L.R., Hathua.

(Birendra Prasad Verma, J)

Arvind/-

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