

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20958 of 2014

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Anil Dhawan Singh, Son of Sri Siya Sharan Singh, Resident of village-
Balmikinagar, N.P.C. Colony, Police Station Balmikinagar District west-
Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, west-Champaran.
2. Anchal Adhikari, Bagha II, Post Office Narayeeपुर Police Station Bagha,
Distt. West Champaran
3. Md. Neyaz
4. Md. Imteyaz
5. Md.Reyaz
6. Meraz Ahmad
All Sons of Late Md. Hussain
All resident of village Debhar, Toli (Marwari Tola), Bagha, Post Office and
Police station Bagha, District –West- Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Sinha, Adv. Mr. Shyam Sunder Pandey, Adv. Mr.Ashok Kumar, Adv.
For the Respondent nos.1&2	:	Mr. R.K. Priyadarshi, SC-32 Mr.Parmod Kumar, AC to SC-32

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioner and learned
SC-32 appearing on behalf of the respondent nos.1 and 2.

The petitioner is aggrieved by the order dated
09.10.2014 passed in Mutation Case No.1649 of 2014-15 by the
respondent Circle Officer, whereby the claim filed on behalf of the
petitioner for mutation has been rejected.

After having heard the parties and on going through
the materials available on the record, this Court finds that the
petition for mutation of the lands in question claimed by the
petitioner was not filed by the petitioner under the provisions of
Section 3 of The Bihar Land Mutation Act, 2011 (in short 'Act,



2011') and the Rules made thereunder. It further appears that all the necessary parties were also not impleaded as party respondents in that proceeding, rather it appears that the petitioner had filed petition under the provisions of the Bihar Right to Public Services Act, 2011, which does not govern the mutation proceeding. Apparently, the petition filed on behalf of the petitioner was patently under wrong provision of law. It also appears that while passing the impugned final order relevant provisions of relevant mutation law have not been taken into consideration by the respondent Circle Officer, Bagaha-II.

In above view of the matter, this Court is of the opinion that the petitioner should approach the respondent Circle Officer afresh by filing an appropriate petition in the prescribed form under the provisions of Section 3 of the Act, 2011 and the Rules made thereunder after impleading all the necessary parties including the private respondent nos.3 to 6.

If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent Circle Officer shall be obliged to initiate a proceeding under the provisions of the Act, 2011 and thereafter he shall further be obliged to decide the aforesaid proceeding strictly in accordance with law by taking into consideration the provisions of the Act, 2011 and the Rules made thereunder, but, before passing any final order with respect to the claims raised on behalf of the petitioner, an opportunity of hearing must be given to all concerned including the private respondent nos.3 to 6, besides others, if any.

It is also clarified that while passing a fresh order under the provisions of the Act, 2011 and the Rules made

thereunder, the impugned order dated 09.10.2014 (Annexure-1) shall not be taken into consideration and shall be ignored, since it was passed under wrong provisions of law by ignoring the relevant provisions of law, which governs the field.

The parties shall be at liberty to raise all the issues of facts and law before the respondent Circle Officer, which may be available to them, with respect to the lands in question.

With the aforesaid observations and directions, the writ petition stands finally disposed of.

(Birendra Prasad Verma, J)

Arvind/-

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