

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8475 of 2015

With
Interlocutory Application No.4501 of 2016

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Kapildeo Prasad, S/o Late Ratan Sah, R/o village + P.O. + P.S. Kargahar,
District - Rohtas (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Rohtas (Sasaram)
3. The Deputy Collector, Land Reforms, Rohtas (Sasaram)
4. The Circle Officer, Kargahar, District Rohtas
5. Lallan Pandey @ Radhika Raman Pandey S/o Late Shyam Narayan Pandey
6. Raj Vansh Pandey S/o Late Bigan Pandey All resident of village + P.O. + P.S. Kargahar, District - Rohtas (Sasaram)
7. Jang Bahadur Pandey S/o Late Bigan Pandey resident of village + P.O. + P.S. Kargahar, District - Rohtas
8. Daya Devi W/o Jivanand Prasad resident of village - Digha, P.O. Chakai, P.S. Keshari Dhangai, Distt. - Bhojpur (Ara) at Present New Railway Colony, Patna
9. Jhuni Choudhary S/o Late Chhathu Choudhary resident of village + P.O. + P.S. Kargahar, District - Rohtas
10. Lallu Choudhary @ Lalan Choudhary S/o Late Chhathu Choudhary resident of village + P.O. + P.S. Kargahar, District - Rohtas
11. Binod Kumar resident of village - Sareyan, P.O. Kargahar, P.S. Kargahar, District - Rohtas
12. Suryavans Tiwari S/o Late Ramraj Tiwari resident of village - Urda, P.O. Chenari, P.S. Chenari, District - Rohtas
13. Rajvans Singh S/o Late Ram Krit Singh resident of village - Kargaha, P.O. Kargahar, P.S. Kargahar, District - Rohtas
14. Shakuntala Devi W/o Makharu Paswan resident of village - Saraiyan, P.O. + P.S. Kargahar, District - Rohtas
15. Jagropana Devi D/o Late Mahesh Pandey resident of village + P.O. + P.S. Kargahar, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Ray, Adv.
For the Respondent nos.1to4 : Dr. Raj Kumar Singh, AC to SC-8
For the Respondent no.15 : Mr. Arvind Pradhan, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-07-2016

I.A.No.4501 of 2016

The instant Interlocutory Application has been filed

on behalf of the petitioner stating therein that the respondent no.7 Jang Bahadur Pandey has passed away on 14.04.2016 leaving behind his heirs and legal representatives, fully detailed in paragraph 3 of the instant Interlocutory Application.

Learned State counsel does not raise any objection to the prayer for substitution.

In above view of the matter, the prayer for substitution is allowed. Let the name of the deceased respondent no.7 be expunged from the array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph 3 of the instant Interlocutory Application.

The instant Interlocutory Application stands disposed of.

CWJC No.8475 of 2015

On the request of the parties, the writ petition has been taken up for consideration on merit.

The petitioner is aggrieved by the order dated 19.09.2013 (Annexure-7) passed in Mutation Case No.2078 of 2013-14 by the respondent Circle Officer, Kargahar, District-Rohtas, whereby the prayer for mutation made by the respondent no.8 with respect to the lands in question mentioned in the impugned order itself has been allowed.

In the considered opinion of this Court, against the order impugned, the petitioner has an alternative and statutory remedy of appeal and then revision before the prescribed appellate authority and the revisional authority under the provisions of The Bihar Land Mutation Act, 2011.

In above view of the matter, the present writ petition

is dismissed, but liberty is granted to the petitioner to approach the appellate authority for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, before the prescribed appellate authority.

(Birendra Prasad Verma, J)

Arvind/-

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