

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1407 of 2014

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Md. Kasim Ahmad S/O Heyat Mohammad, resident of Village- Jat Tola
Dumaria, P.S.- Narpatganj, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar through D.M. Araria
2. The Circle Officer, Narpatganj, Araria
3. Md. Zahir son of Md. Bhola, resident of Village- Jat Tola Dumaria, P.S.-
Narpatganj, District- Araria
4. Md. Azim son of Md. Bhola, resident of Village- Jat Tola Dumaria, P.S.-
Narpatganj, District- Araria
5. Md. Ishaque S/O Late Abdul Rashid @ S.K. Dukhan, resident of Village-
Swaldah Majhua, P.S.- Narpatganj, District- Araria
6. Md. Jabbir S/O Late Md. Safoor Mia, resident of Village- Jat Tola
Dumaria, P.S.- Narpatganj, District- Araria
7. Md. Daud S/O Late Abdul Safoor Mia, resident of Village- Jat Tola
Dumaria, P.S.- Narpatganj, District- Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghib Ahsan, Sr.Advocate
Mr. Vijay Anand, Advocate

For the Respondent Nos.1 & 2 : Mr. Rakesh Ambastha, AC to AAG 15

For the Respondent Nos.3 to 5: Mr.Arun Prasad Ambastha, Advocate
Mr.Binay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 12-07-2016

Heard the parties.

The petitioner is aggrieved by the order dated 28.10.2013 passed in B.L.T.Case No. 161 of 2013 by the learned Bihar Land Tribunal, Patna, as contained in Annexure-10 to the writ petition, whereby the aforesaid B.L.T.case filed on behalf of the respondent nos. 3 to 5 has been allowed and the Circle Officer, Narpatganj has been directed to decide the Mutation Case No. 173 of 2001-2002 filed on behalf of the respondent nos. 3 to 5 afresh in which the present writ petitioner is also a party.

In the present proceeding, the matter at issue is mutation of the lands in question, fully detailed in paragraph 4 of the writ petition.

Apparently, by the impugned order, the matter has been remitted back to the Circle Officer, Narpatganj with a direction to decide the claim of mutation of the parties regarding the lands in question afresh. In view of the order of remand passed by the learned Bihar Land Tribunal, Patna, this Court is not inclined to interfere with the impugned order dated 28.10.2013, as contained in Annexure-10 to this writ petition.

Hence, the present writ petition is disposed of with a liberty to the petitioner as also the private respondents to raise all the issues of facts and law, which may be available to them with respect to lands in question, in the aforesaid pending Mutation Case No. 173 of 2001-2002 before the respondent Circle Officer, Narpatganj, but before passing any final order opportunity of hearing must be given to all concerned.

It goes without saying that the issues of facts and law raised on behalf of the parties shall be appropriately considered and decided by the Circle Officer, Narpatganj.

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

(Birendra Prasad Verma, J)

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