

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20233 of 2014

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Meena Devi, Wife of Sri Satya Narayan Sharma, Resident of Village -
Bikram, Police Station - Bikram, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Irrigation Department, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Circle Officer, Bikram, Patna.
5. The Executive Engineer, Sone Canal Division, Khagaul, Patna.
6. The Assistant Engineer, Sone Canal, Irrigation Department, Sub Divisional Office, Bikram, Patna.
7. The Sub-Divisional Officer, Sone Canal, Irrigation Department, Sub Divisional Office, Bikram, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.

For the Respondent/s : Mr. Vishwa Ranjan Choudhary, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-10-2016

Heard the parties.

In view of the nature of the grievances/claims raised on behalf of the petitioner in the present writ petition, filed under Article 226 of the Constitution of India, with respect to the lands in question, mentioned in paragraph 1 of the writ petition, this Court is of the opinion that, instead of keeping the matter pending any longer directing the respondents to file a counter affidavit, the interest of justice shall be sub-served, if the petitioner is granted liberty to file an appropriate petition under Section 3 of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011') in the prescribed format before the Circle Officer concerned. It is ordered accordingly.

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 Circle Officer concerned shall be obliged to initiate a case under the provisions of the Act, 2011 and shall further be obliged to take it to its logical conclusion strictly in accordance with the provisions of the Act, 2011 and the Rules made thereunder and all endeavours shall be made to dispose of the same at an early date preferably within a period of three months from the date of filing of such petition by the petitioner. However, before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioner and other private individuals, if any, beside the concerned authorities.

It 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 it is left to be decided by the statutory authorities strictly in accordance with law.

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

(Birendra Prasad Verma, J)

Arvind/-

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