

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17006 of 2014

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1. Vidyanand Yadav son of Late Nirdhan Yadav
 2. Nageshwar Yadav, son of late Pandu Yadav
 3. Rukmini Devi daughter of Late Panehu Yadav
 4. Bimla Devi wife of Late Upendra Yadav,
All residents of Village Guria Tole, Khanghar Pattee, P.S. Jadiya,
District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Secretariat, Harding Road, Patna.
2. The Commissioner, Koshi Commissioner, Saharsa.
3. Collector, Collectorate, District Supaul.
4. Additional Collector, Collectorate, District Supaul.
5. Deputy Collector, Land Reforms, Tribeniganj, District Supaul.
6. Sub-Divisional Officer, Tribeniganj, District Supaul.
7. Circle Officer, Chhatapur Circle, District Supaul.
8. Circle Inspector, Chhatapur Circle, District Supaul.
9. Halka Karmchari, Halka Ratansar, Circle/ Block- Chhatapur, District Supaul.
10. Ganesh Yadav son of Bachan Yadav
11. Dev Narayan Bhagat
12. Raj Narayan Bhagat, Both sons of Late Mohan Bhagat.
13. Sunil Bhagat son of Baijnath Bhagat
14. Bhola Sardar son of Chhabila Sardar.
15. Chhutharu Sardar son of late Latar Sardar
16. Shiv Chandra Sardar son of Late Ram Dev Sardar
17. Gohar Sardar son of Late Visundeo Sardar.
18. Narayan Sardar son of Late Vishun Deo Sardar
19. Satyendra Yadav, son of Late Bindeshari Yadav
All residents of Village Ratnsar, P.S. Chhatapur, District Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Adv.

For the Respondent Nos. 1 to 9 : Mr. Chhotelal Mishra, AC to GA-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-10-2016

Heard.

The petitioners are aggrieved by the order dated 29.12.2012 passed in Mutation Revision Case No. 26 of 2012-13 by the respondent Additional Collector, Supaul, as contained in Annexure-1 to the writ petition, whereby aforesaid mutation

revision case filed on behalf of the respondent no.10 and others has been admitted for hearing and notices have been issued to the opposite parties therein including the petitioners herein.

Admittedly, the aforesaid mutation revision case filed on behalf of the respondent no.10 and others is still pending and no final order has been passed. Therefore, in the considered opinion of this Court, the issues of facts and law, which are sought to be raised in the present writ petition on behalf of the petitioners, can very well be raised before the Additional Collector, Supaul and only after passing final order by the respondent Additional Collector or rejection of the claim raised on behalf of the petitioners, the matter can be agitated before the higher authority/ forum/ court.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioners to raise all the issues of facts and law, which may be available to them with respect to the lands in question before the respondent Additional Collector, Supaul.

It goes without saying that the issues of facts and law raised on behalf of the petitioners with respect to the lands in question shall be appropriately considered and decided by the respondent Additional Collector, Supaul, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioners as also to the private respondents herein, besides others, if any.

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

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(Birendra Prasad Verma, J)