

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24615 of 2013

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Prabha Devi Wife of Pradeep Rai, Resident of Village- Unso Pachgachhi,
Police Station- Kadwa, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The D.C.L.R., Barsoi, District- Katihar
3. The Circle Officer, Balrampur Anchal, District- Katihar
4. Mohan Nunia Son of Shyam Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
5. Sonelal Nunia Son of Shyam Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
6. Yogendra Nunia Son of Shyam Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
7. Suthra Nunia Son of Shyam Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
8. Bhado Nunia Son of Late Bahadur Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
9. Bhuneshwar Nunia Son of Late Bahadur Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
10. Guna Nunia Son of Late Govind Nunia Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
11. Sanichar Nunia Son of Late Govind Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
12. Budhu Nunia Son of Late Govind Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
13. Yogendra Nunia Son of Kishan Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
14. Harihar Nunia Son of Kishan Nunia Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
15. Giresh Nunia Son of Kishan Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
16. Atwari Nunia Son of Kishan Nunia, Resident of Village- Pachra, P.O. Dangol, Police Station- Balrampur, District- Katihar
17. Most. Gauri Devi Wife of Late Shyam Lal Yadav Resident of Village- Sadhpur
18. Paras Yadav Son of Jagdish Yadav, Resident of Village- Sadhpur
19. Amola Devi Wife of Bishan Yadav Resident of Village- Sheikhpura, Police Station- Madwa, District- Katihar
20. Soshila Devi Wife of Late Tarni Yadav Resident of Village- Bankota, Police Station- Balrampur, District- Katihar
21. Bhim Yadav Son of Late Tarni Yadav, Resident of Village- Bankota, Police Station- Balrampur, District- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah

For the Respondent/s : Mr. Anjani Kumar, AAG-6

Mr. Sanjay Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL ORDER

2 08-01-2016 Heard the parties.

The present matter arises out of a proceeding under Mutation law. The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 24.06.2013 passed in Mutation Appeal No. 2 of 2013-14 by the respondent D.C.L.R., Barsoi in the district of Katihar, as contained in Annexure-1 to the writ petition.

The learned counsel appearing on behalf of the petitioner submits that though some plots of land, which was subject matter of consideration in the aforesaid mutation appeal, belong to the petitioner, yet without impleading the petitioner as a party respondent in the aforesaid mutation appeal and without giving an opportunity of hearing to her, final order has been passed in favour of the private respondents.

In view of the submissions made by the learned counsel appearing on behalf of the petitioner that the petitioner was not impleaded as a party respondent in the aforesaid mutation appeal before the respondent D.C.L.R., Barsoi and was not given an opportunity of hearing to her, the present writ petition is disposed of with an observation that if the petitioner was not impleaded as a party respondent in that appeal, then the impugned order passed by the respondent D.C.L.R., Barsoi shall not bind the petitioner with respect to the lands in dispute.

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

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(Birendra Prasad Verma, J)