

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.920 of 2014

In

Civil Writ Jurisdiction Case No. 999 of 2014

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Sulochna Devi, Wife of Late Krishna Kumar Das, Resident of Village Basudeopur, P.S. - Barhara Kothi, District - Purnea.

.... Appellant/s

Versus

1. The State of Bihar, through the Divisional Commissioner, Purnea.
2. The Divisional Commissioner, Purnea.
3. The Deputy Collector, Land Reforms, Barhara, Purnea.
4. Mithilesh Kumar Das @ Milhi Lal Das Son of Bhola Das Resident of Village Basudeopur, P.S. - Barhara Kothi, District - Purnea.
5. Amar Nath Tiwari Son of Late Bibhuti Nath Tiwari Resident of Village Basudeopur, P.S. - Barhara Kothi, District - Purnea.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. P.K.Shahi, Sr. Advocate
Mr. Amish Kumar, Advocate
For the State : Mr. S.K.Choudhary, GP 11
For Respondent No.4 : Mr. Sanjay Parasmani, Advocate
For Respondent No. 5 : Mr. Harshwardhan Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

6 24-11-2016 Heard learned counsel for the appellant and

learned counsels for the State and for the respondent Nos. 4 and

5.

The appeal is directed against the order dated
6.3.2014 passed by a learned Single Judge of this Court in
CWJC No. 999 of 2014. By the said order the learned Single
Judge has set aside the order passed by the DCLR and directed
the authorities under the Mutation Act to take a decision in the
matter independent of the views expressed by the DCLR or the



appellate or the Revisional authorities thereafter, in accordance with law on the basis of the materials brought before him.

In the course of submission Mr. P.K.Shahi, learned senior counsel for the appellant submits that the appellant at least has a right to be heard before the mutation authorities as the Jamabandi was created long time back in the year 1972-73 in favour of her ancestors. There appears nothing in the order of the learned Single Judge which proscribes the appellant from contesting the matter before the authorities under the Mutation Act. Rather from the tenor of the order it is evident that the appellant was required to contest the matter before the mutation authorities instead of having made an application before the DCLR.

In the aforesaid circumstances no interference is required in the order under appeal. The appeal is, accordingly, disposed of making it clear that the appellant shall have a right to appear before the authorities under the Mutation Act and present her side of the case including the materials and documents in her favour.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Birendra Kumar, J)

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