

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7039 of 2009

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Sushila Kunwar wife of late Bhubaneshwar Pd. Singh, resident of Mohalla-Faralganj, Ward No. 2/10, P.O. and P.S. Sasaram, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Rohtas.
3. The Deputy Collector, Land Reforms, Sasaram.
4. The Municipal Executive Officer, Sasaram, Rohtas.
5. Sukhraj Mistri son of late Chulai Mishtri, resident of Mohalla Faralganj, Anchal and P.S. Sasaram, District Rohtas.
6. Umashankar Mistri son of late Raj Kishore Mistri, , resident of Mohalla Faralganj, Ward No. 2, P.S. Sasaram, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kr. Singh, Adv.

For the Respondent Nos.1 to 3 : Mr. Amish Kumar, AC to AAG-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 22-08-2016 The matter at issue is the claim of mutation raised on behalf of the parties with respect to the lands in question mentioned in the writ petition.

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 17.12.2004 (Annexure-1) passed by the respondent D.C.L.R., Sasaram in Miscellaneous Case No. 7 of 2003-04, whereby the proceeding was stayed in view of the pendency of civil suit between the parties.

Indisputably, the respondent no. 5, being aggrieved by the aforesaid order dated 17.12.2004 (Annexure-1), filed Mutation Revision Case No.5 of 2005 before the District Collector, Rohtas (Sasaram), which was finally disposed of by the order dated 10.3.2007, as contained in Annexure-2 to the writ petition, whereby after setting aside the aforesaid order dated 17.12.2004

(Annexure-1) the matter has been remanded to the court of the D.C.L.R., Sasaram with a direction to decide the claim of mutation of the parties afresh, after making local inspection and on the basis of actual possession of the parties.

In above view of the matter, the claim of mutation is required to be decided afresh by the respondent D.C.L.R., Sasaram. In view of the order of remand made by the respondent District Collector, Rohtas, this Court is not inclined to accede to the prayer made on behalf of the petitioner in the present writ petition.

The writ petition is devoid of merit and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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