

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19485 of 2014

With
Interlocutory Application No.9698 of 2014

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Dayanand Singh, son of Late Saryug Prasad Singh, resident of village -
Neel Kanthpur, P.S. - Mahua, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Samastipur.
3. The Additional Collector, Sadar, Samastipur.
4. The Deputy Collector Land Reforms, Samastipur.
5. The Circle Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.J.S. Arora, Sr.Adv. Mr. Manoj Kumar, Adv. Mr.Gaurav Pratap, Adv.
For the Respondent/s	:	Mr. Satya Prakash, AC to SC-22
For the Intervenor	:	Mr.Jitendra Prasad Singh, Adv. Mr.Abhishek, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-10-2016

Re.:I.A.No.9698 of 2014

The instant Interlocutory Application has been filed on behalf of one Ramprit Rai for being added as party respondent in the main writ petition.

The learned counsel appearing on behalf of the intervenor submits that the intervenor is vitally interested with the final outcome of the main writ petition. Therefore, the intervenor is required to be heard before passing the final order in the main writ petition.

The learned senior counsel appearing on behalf of the writ petitioner does not raise any objection to the prayer made in the instant Interlocutory Application.

After having heard the parties and for the reasons

disclosed in the instant Interlocutory Application, the prayer for intervention is allowed and aforesaid Ramprit Rai is directed to be impleaded as party respondent no.6 in the main writ petition.

With the above observations and directions, the instant Interlocutory Application stands finally disposed of.

Re.:CWJC No.19485 of 2014

On the request of the parties, the main writ petition has been taken up for consideration on merits.

Initially, the petitioner had filed the present writ petition assailing the validity and correctness of the order dated 22.10.2014 passed in Mutation Revision Case No.44 of 2014 by the respondent District Collector, Samastipur, as contained in Annexure-7 to the writ petition, whereby the operation of the final order dated 19.08.2014 passed in Mutation Revision Case No.85 of 2013 by the respondent Additional Collector, Samastipur, as contained in Annexure-4, was stayed and notices were issued to the parties for filing their show cause in the aforesaid fresh revision case. The petitioner has also assailed the consequential notices issued by the respondent District Collector, Samastipur. During the pendency of the main writ petition, the respondent District Collector, Samastipur has passed final order on 22.11.2014, which has been brought on record as Annexure-A to the supplementary affidavit filed on behalf of the petitioner, whereby final order dated 19.08.2014 passed in Mutation Revision Case No.85 of 2013 by the respondent Additional Collector, Samastipur, as contained in Annexure-4 to the writ petition, has been set aside.

Incidentally, today itself in CWJC No.19390 of 2014 identical issues were raised and have been decided by this Bench.



In that case also, the District Collector, Samastipur had set aside the final order passed by the Additional Collector, Samastipur in a Mutation Revision Case filed by one Smt. Gitika and others. The aforesaid writ petition has been allowed by this Bench and the subsequent order passed by the District Collector, Samastipur has been set aside on the ground that he has not been vested with the power of review under the provisions of The Bihar Land Mutation Act, 2011. However, a liberty has been granted in that case to the State authorities or any other concerned persons to assail the validity and correctness of the final revisional order passed by the Additional Collector, Samastipur before any other higher authority/forum/court in accordance with law.

After having heard the parties and for the reasons recorded in judgment passed today itself in CWJC No.19390 of 2014, the present writ petition is also allowed in the same term with identical relief and the final fresh order dated 22.11.2014 passed in Mutation Revision Case No.44 of 2014 by the District Collector, Samastipur, as contained in Annexure-A to the supplementary affidavit, is quashed and set aside with a liberty to the State authorities as also to the newly added respondent Ramprit Rai, besides other concerned person(s), to assail the validity and correctness of the order dated 19.08.2014 passed in Mutation Revision Case No.85 of 2013 by the respondent Additional Collector, Samastipur, as contained in Annexure-4 to the writ petition, either before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009, or before any other higher authority/forum/court in accordance with law.

At this stage, the learned counsel appearing on behalf

of the newly added respondent submits that, in fact, the newly added respondent Ramprit Rai had filed B.L.T. Case No.699 of 2014 against the final order dated 19.08.2014 passed in Mutation Revision Case No.85 of 2013 by the respondent Additional Collector, Samastipur, but, in view of passing of fresh order dated 22.11.2014 by the District Collector, Samastipur (which has now been set aside by the present order), the aforesaid B.L.T. Case No.699 of 2014 was withdrawn as infructuous vide order dated 17.08.2015.

Now, in view of the fact that the order dated 22.11.2014 passed by the District Collector, Samastipur in Mutation Revision Case No.44 of 2014 has been set aside by this Court by the present order; therefore, the newly added respondent Ramprit Rai shall be at liberty to file a fresh petition before the learned Bihar Land Tribunal, Patna assailing the validity and correctness of the order dated 19.08.2014 passed in Mutation Revision Case No.85 of 2013.

If such a petition is filed by the newly added respondent, then the same shall be considered and decided on its own merits, after giving an opportunity of hearing to all concerned including the newly added respondent no.6 as also the present petitioner, besides others, if any, but that B.L.T. case shall not be dismissed on the ground of principles of res judicata.

In the result, the writ petitions stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

Arvind/-

(Birendra Prasad Verma, J)

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