

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8393 of 2014

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Anil Kumar son of Late Sarju Singh, resident of Village - Ghoshrawan,
Police Station and Anchal - Giriyak, District - Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The Collector Nalanda at Biharsharif.
3. The Deputy Collector Land Reforms Nalanda at Biharsharif.
4. The Anchal Adhikari Giriyak, District - Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. K. Alam, AAG-12

Mrs. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-08-2016

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the Anchal Adhikari, Giriyak (District Nalanda) to take a final decision on the petition filed by the petitioner before him for mutation of the lands in question.

When the matter has been called out, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on his behalf is printed in the daily cause list.

The learned AC to AAG-12 appearing on behalf of the respondents, by referring to the averments made in paragraph-4 and 5 of the counter-affidavit filed on behalf of the respondent no.2 to 4, submits that, in fact, the petitioner has not filed any petition for mutation of the lands in question before the Anchal Adhikari , Giriyak. She further submits that now, for mutation of lands, the provisions of The Bihar Land Mutation Act, 2011 (In

short Act, 2011) is applicable and under the aforesaid Act, 2011, a petition in prescribed format is required to be filed before the concerned Anchal Adhikari and that having been not done by the petitioner, the reliefs sought for on his behalf in the present writ petition cannot be granted.

On examination of the records this Court finds that a copy of the counter-affidavit was served upon the learned counsel appearing on behalf of the petitioner on 7.7.2014, but no rejoinder affidavit has been filed on behalf of the petitioner controverting the averments made in the aforesaid counter-affidavit.

In above view of the matter, particularly in view of the fact that the petitioner has not approached the appropriate authority for passing an order of mutation in his favour under the provisions of the Act, 2011, the reliefs sought for on his behalf cannot be granted. The writ petition is devoid of merits and is, accordingly, dismissed.

However, if the petitioner files an appropriate petition under the provisions of the Act, 2011 before the prescribed authority, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

(Birendra Prasad Verma, J)

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