

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7461 of 2013

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1. Yogi Singh S/O Late Ram Nandan Singh, R/O Village- Khakhsaha, P.S.- Bibhutipur, District- Samastipur
 2. Ram Ashish Singh S/O Late Ram Nandan Singh, R/O Village- Khakhsaha, P.S.- Bibhutipur, District- Samastipur
 3. Ram Chhabila Singh S/O Late Ram Nandan Singh, R/O Village- Khakhsaha, P.S.- Bibhutipur, District- Samastipur
 4. Anjani Kumar Singh S/O Late Baidyanath Singh, R/O Village- Khakhsaha, P.S.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Land Reforms, Government of Bihar, Patna
2. District Magistrate, Samastipur
3. Deputy Collector, Land Reforms, Rosera, District- Samastipur
4. Anchal Adhikari, Bibhutipur, District- Samastipur
5. Halka Karamchari, Bibhutipur Block, District- Samastipur
6. Smt. Bina Devi @ Mina Devi W/O Janardan Prasad Azad, R/O Village- Bibhutipur Tola Khoksaha, P.S.- Bibhutipur, District- Samastipur
7. Raj Ranjan Singh S/O Late Ram Narayan Singh, R/O Village - Bibhutipur, Tola Khoksaha, P.S.- Bibhutipur, District- Samastipur
8. Ram Binod Singh S/O Late Ram Narayan Singh, R/O Village - Bibhutipur, Tola Khoksaha, P.S.- Bibhutipur, District- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
For the Respondent Nos. 1 to 5 : Mr. J. P. Kishore, AC to SC-13
For the Respondent Nos. 6 to 8 : Mr. Uma Shankar Singh, Adv.
Mr. Krishna Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

4 05-09-2016 Heard the parties.

The matter at issue is the claim of mutation of the names of the parties with respect to the lands in question, fully detailed in paragraph-10 of the writ petition.

The petitioners are aggrieved by the order dated 14.5.2011 passed by the respondent Anchal Adhikari, Bibhutipur, as contained in Annexure-1 to the writ petition, whereby practically by one line order, claim of mutation with respect to the

cases listed at Sl. No. 1 to 37 including the Case No. 466 of 2011-12 has been allowed. The petitioners are also aggrieved by the order dated 4.10.2012 passed by the D.C.L.R., Rosera, the appellate authority, as contained in Annexure-2, whereby aforesaid appeal filed on behalf of the petitioners has been dismissed.

The learned counsel, appearing on behalf of the petitioners, submits that the original authority i.e. the respondent Anchal Adhikari, Bibhutipur has not at all applied his judicial mind, while allowing the claim of mutation raised on behalf of the private respondent nos. 6 to 8. He further submits that the appeal preferred on behalf of the petitioners has been dismissed on a completely misconceived notion that the original order was passed by the Lok Adalat. According to him, the order of mutation was not passed by the Lok Adalat, rather it was passed by the respondent Anchal Adhikari, Bibhutipur.

The learned State counsel, appearing on behalf of the respondent nos. 1 to 5, and the learned counsel appearing on behalf of the respondent nos. 6 to 8, though have opposed the prayer made on behalf of the petitioners in the present writ petition, but have not been able to controvert that before passing the impugned order, passed by the original authority opportunity of hearing was not given to the petitioners.

In above view of the matter, without going into the merits of the claim of the parties with respect to the lands in question, this Court is of the opinion that the entire matter requires reconsideration and fresh decision right from the stage of respondent Anchal Adhikari, Bibhutipur on the ground of violation of rules of natural justice. Consequently, the impugned



order dated 14.5.2011 passed by the respondent Anchal Adhikari, Bibhutipur, as contained in Annexure-1, so far it relates to the lands in question, as also the appellate order dated 4.10.2012 passed by the respondent D.C.L.R., Rosera in Mutation Appeal Case No.4 of 2011 are hereby set aside and quashed and the matter is remitted back to the respondent Anchal Adhikari, Bibhutipur with a direction to decide the claim of mutation of the parties afresh with respect to the lands in question, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioners and the private respondent nos. 6 to 8, besides others, if any.

In order to expedite the matter, the petitioners as also the respondent nos. 6 to 8 are hereby directed to appear before the respondent Anchal Adhikari, Bibhutipur within a period of one month from today with a certified copy of the present order, whereafter he shall proceed to decide the claim of parties for mutation of their names strictly in accordance with law.

The writ petition stands allowed to the extent indicate, but with the observations and directions made above. No costs.

(Birendra Prasad Verma, J)

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