

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16055 of 2015

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Gaurav Kumar S/O Late Karu Singh @ Kalu Singh, R/O Bangali Para,
Rajgir, P.O. & P.S. Rajgir , Distt.- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Revenue and Land Reforms
3. Zila Parishad, Nalanda through its Deputy Development Commissioner cum Chief Executive Officer
4. Deputy Development Commissioner cum Chief Executive Officer, Nalanda
5. Deputy Collector Incharge Land Reforms, Nalanda
6. Harikant Jha S/o Late Mahadeo Jha, R/o vill- Benipatti, Dist.- Madhubani At Present- R/o Mohalla- Bengali, P.S. Rajgir, Dist- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.S. Dvivedi, Sr. Adv.
Mr. Parth Gaurav
Mr. Ranjan Kumar Dubey

For the Respondent No.1, 2, 4 & 5: Mr. Asit Kumar Jha, AC to GP-6

For the Respondent No. 3 : Mr. Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-03-2016 Heard the parties.

The present writ petition is completely misconceived and untenable. The petitioner is aggrieved by an observation made in the order dated 21.07.2015 passed in Mutation Appeal Case No. 38 of 2014 by the respondent D.C.L.R., Rajgir (Nalanda), as contained in Annexure-1, whereby the aforesaid mutation appeal filed on behalf of one Soni Kumari, who has not been impleaded as party in the present proceeding, has been dismissed. While dismissing the aforesaid mutation appeal, the respondent D.C.L.R. has made an observation that if Zila Parishad so desires, it may take appropriate steps for cancellation of Jamabandi standing with respect to the lands in question.

Apparently, no final order has been passed by the

respondent D.C.L.R., Rajgir. By virtue of the aforesaid observations made by the respondent D.C.L.R., if an appropriate petition is filed by the respondent Zila Parishad under Section 9 of the Bihar Land Mutation Act, 2011, then a proceeding has to be started. If such a proceeding is brought before the Additional Collector of the District, then certainly the petitioner will have to be given an opportunity of hearing if jamabandi is standing in his name and he will have full opportunity to contest that matter.

At this stage, the writ petition filed on behalf of the petitioner is completely misconceived, as no cause of action has arisen. The present writ petition filed on behalf of the petitioner is not only frivolous at this stage, rather it is an abuse of the process of the Court. By filing such frivolous writ petition, the petitioner has not only abused the process of law, rather he has unnecessarily burdened this Court with most unwanted litigation.

In that view of the matter, this Court is of the opinion that the writ petition should not only be dismissed, but it should be dismissed with costs. Accordingly, the writ petition stands dismissed with a cost of Rs. 10,000/- (Rs. Ten thousand).

(Birendra Prasad Verma, J)

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