

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12476 of 2014

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Binda Paswan, Son of Late Popal Paswan, Resident of Village - Pali, P.O.
and P.S. - Naubatpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Sub Divisional Officer, Danapur.
5. The Deputy Collector Land Reforms, Patna , Sadar.
6. The Circle Officer, Phulwarisharif, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Respondent/s : Mr. Alok Ranjan, AC to GA-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-09-2016

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondent authorities to mutate his name to the extent of his admissible share in the ancestral property of his father.

In view of the nature of the grievances/claims raised on behalf of the petitioner with respect to the lands in question, this Court is of the opinion that, instead of keeping the matter pending and asking the respondents to file their counter affidavit, the interest of justice shall be sub-served, if the petitioner is granted liberty to file an appropriate petition in the prescribed format under Section 3 of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011') before the concerned Circle Officer after impleading all the necessary parties including the co-sharers. It is ordered accordingly.

If such a petition is filed on behalf of the petitioner

within a period of one month from today with a certified copy of the present order, then the concerned Circle Officer shall initiate a proceeding under the provisions of the Act, 2011 and shall consider and decide the claim of the petitioner, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner and all the concerned persons including the co-sharers of the petitioner, at an early date, preferably within a period of three months from the date of filing of such petition by the petitioner.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner with respect to the lands in question and it is left to be decided by the concerned Circle Officer strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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