

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5823 of 2007

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Shyama Devi @ Sushila Devi wife of Anil Kumar Singh, resident of
Village Ghanghar, P.S.Barahara (Krishnagarh), Distt. Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Bhojpur, Arrah
3. Deputy Collector, Land Reforms, Sadar, Arrah, Bhojpur
4. The Circle Officer, Barahara, District Bhojpur
5. Raj Kumari Devi wife of Gyanchand Singh, resident of village
Ghanghar, P.O. Sinhaghat, P.S.Barahara at present Krishnagarh, District
Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 to 4 : Mr. Raghwanand, GA 11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-08-2016

The matter at issue is the claim of mutation of the name of the petitioner with respect to lands in question, fully detailed in paragraph 4 of the writ petition.

The petitioner is aggrieved by order dated 05.12.2006 passed in M.R. No. 14 of 1998-99 by the respondent District Collector, Bhojpur, Arrah, as contained in Annexure-3 to the writ petition, whereby the aforesaid mutation revision case filed on behalf of the petitioner has been dismissed and the orders passed by the appellate authority as also the original authority vide Annexure-2/1 and Annexure-1 respectively, rejecting her claim of mutation of her name with respect to lands in question have been affirmed.

From the materials available on the record, it is apparent that the claim raised on behalf of the petitioner for mutation of her name with respect to the lands in question has been rejected by all the three statutory authorities by recording

concurrent findings of fact against her.

The learned GA 11, appearing on behalf of the respondent nos. 1 to 4, by examining the record of this case has submitted that by order dated 27.01.2009 passed by a Bench of this Court, notice was ordered to be issued to the respondent no.5, the contesting respondent, but on account of non-compliance of the Court's aforesaid order dated 27.01.2009, the present writ petition stood dismissed as against the respondent no.5. He further submits that the issue raised herein on behalf of the petitioner cannot be gone into in absence of respondent no.5.

Taking into consideration the facts that by recording concurrent findings of fact all the three statutory authorities have rejected the claim of mutation raised on behalf of the petitioner with respect to lands in question, and further taking into consideration the fact that the present writ petition has stood dismissed against the contesting respondent no.5, as a result of which it has become incompetent, this Court is of the opinion that the reliefs prayed for on behalf of the petitioner in the present writ petition cannot be acceded to. The writ petition is devoid of merit and is, accordingly, dismissed.

However, the petitioner, if so advised, shall be at liberty to approach the civil court of competent jurisdiction by filing an appropriate civil suit, after impleading all the necessary parties, for getting her right and title declared over the lands in question.

(Birendra Prasad Verma, J)

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