

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.226 of 2016

In

Civil Writ Jurisdiction Case No. 2447 of 2012

=====

Bedami Devi Wife of Kailu Yadav resident of village - Ram Nagar
(Gohari), P.O. Bannu Bagicha, P.S. Chanan, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Revenue Land Reforms, Government of Bihar, Patna
3. The Divisional Commissioner, Munger
4. The Divisional Commissioner, Bhagalpur
5. The District Collector, Lakhisarai
6. The Additional Collector, Lakhisarai
7. The Land Reforms Deputy Collector, Lakhisarai
8. The Circle officer, Lakhisarai Circle, District - Lakhisarai
9. Sri Yadav Son of Late Kailu Yadav resident of village - Ram Nagar
(Gohari), P.O. Bannu Bagicha, P.S. Chanan, District - Lakhisarai
10. Suresh Yadav Son of Singheshwar Yadav resident of village - Ram
Nagar (Gohari), P.S. Chanan, District - Lakhisarai

.... Opp. Party/s-Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.

For the Opp. Party/s-Respondent/s : Mr. Sudhir Kumar, AC to AAG-2

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-07-2016

Re.: M.J.C. No. 226 of 2016

After having heard the parties and for the reasons disclosed in the present M.J.C. application, prayer for restoration of C.W.J.C. No.2447 of 2014, which stood dismissed for want of prosecution by order dated 17.09.2015, is allowed. C.W.J.C. No. 2447 of 2014 is restored to its original file.

The present M.J.C. application stands finally disposed of.

Re.: C.W.J.C. No. 2447 of 2012

On the request of the parties, the main writ petition has been taken up for consideration on merits.

The matter at issue is the mutation of the lands in question, fully detailed in paragraph-4 of the writ petition.

By recording concurrent finding of facts, all the three authorities have rejected the claim of mutation raised on behalf of the petitioner with respect to the lands in question.

In above view of the matter, this Court is not inclined to interfere with the order dated 13.11.2011 passed in Miscellaneous (Mutation) Appeal No. 11 of 2009 by the respondent District Collector, Lakhisarai, as contained in Annexure-11 to the writ petition. Accordingly, the writ petition is dismissed.

However, the petitioner, if so advised, shall be at liberty to approach the civil court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands in question.

If such a civil suit is filed on behalf of the petitioner, after impleading all the necessary parties including the respondents concerned, within a period of three months from today, then the same shall be decided on its own merits on the basis of evidence/ materials produced by the parties, but without being prejudiced or influenced by dismissal of the present writ petition.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--