

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7066 of 2014

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Shiv Charan Mandal Son of Late Ram Mandal, Resident of Village - Mani
Gidha Dho Gidha, P.S. Rupauli, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Bihar, Patna.
2. The Commissioner, Purnea.
3. The Collector, Purnea.
4. The Sub-Divisional officer, Purnea.
5. The Block Development officer, Bhawanipur, Purnea.
6. The Circle officer, Bhawanipur, Block Purnea.
7. The D.C.L.R. Dhamda, Purnea.
8. The Superintendent of Police, Purnea.
9. Mostt. Ugia Devi wife of Late Hari Paswan, Resident of
Village - Mani Rampur Dhruv Das Tola P.S. Rupauli, District
- Purnea.
10. Dhusho Rishi Son of Meghu Rishi, Resident of Village -
Bhamet, P.S. Bhawanipur District - Purnea.
11. Manoo Mochi Son of Sanup Lal Mochi, Resident of Village -
Bhamet, P.S. Bhawanipur District - Purnea.
12. Upendra Mochi Son of Ram Mochi, Resident of Village -
Bhamet, P.S. Bhawanipur District - Purnea.
13. Suresh Mochi Son of Mohan Mochi, Resident of Village -
Bhamet, P.S. Bhawanipur District - Purnea.
14. Dasrath Mochi Son of Anant Mochi, Resident of Village -
Bhamet, P.S. Bhawanipur District - Purnea.
15. Kamleshwar Mochi Son of Dukhan Mochi, Resident of
Village - Bhamet, P.S. Bhawanipur District - Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha, Adv.

For the Respondent Nos. 1 to 8 : Mr. Mujtabaul Haque, AC to
G.P. 12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-09-2016

Heard the parties.

The grievance of the petitioner in the present writ
petition is that though the petitioner has been held to be the owner

of the lands in question by different authorities, yet rent receipt is not being issued by the respondent Anchal Adhikari, Bhawanipur in the district of Purnea.

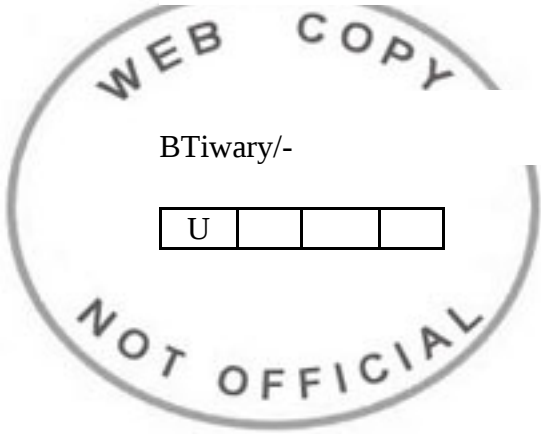
It is not in dispute that before issuance of rent receipt for any plot of land, the person claiming to be the owner of such land is required to get his/ her name mutated by the concerned Anchal Adhikari, under the provisions of the Bihar Land Mutation Act, 2011 (In short the Act, 2011). From the facts stated by the petitioner in the present writ petition it appears that he has not filed any petition in prescribed format under the provisions of Section 3 of the Act, 2011 for mutation of the lands in question claimed by him.

In above view of the matter, the petitioner is granted liberty to approach the respondent Anchal Adhikari, Bhawanipur by filing an appropriate petition in a prescribed format under Section 3 of the Act, 2011.

At this stage, the learned counsel appearing on behalf of the petitioner submits that the sole petitioner has already died, but no substitution petition could be filed. In above view of the matter, if an appropriate petition is filed even by the heirs of the sole writ petitioner before the respondent Anchal Adhikari, under the provisions of Section 3 of the Act, 2011, then the same shall be considered and decided strictly in accordance with law, but before passing any final order, opportunity of hearing must be given to all concerned including the private respondent nos. 9 to 15.

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

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



(Birendra Prasad Verma, J)