

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9914 of 2014

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Jawahar Sahni son of Parichhan Sahni, R/O Village - Belwara, P.S. Motihari (T), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran, Motihari.
3. The DCLR, Motihari, East Champaran.
4. The Sub Divisional Officer, Motihari, East Champaran.
5. The Circle Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Pankaj Kumar, SC 12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-09-2016

Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on his behalf is printed in the daily cause list. However, I have heard the learned SC 12, appearing on behalf of the respondents.

2. The petitioner has filed the present writ petition for the reliefs enumerated in paragraph 1 of the writ petition, which reads as follows:

“That this is an application for issuance of writ or writs in the nature of mandamus commanding/directing the official respondents to create Jamabandi in the name of the petitioner over the land situated at village Belbanwa, P.S.Motihari with regard to Khata No. 203, plot no.252 an area of 2 katha, 17 dhur, as inspite of an application filed by the petitioner for fixation of rent and creation of jamabandi on 11.01.2012, the Respondent no.4 and 5 in collusion with each other in arbitrary, malasive, vindictive and on extraneous consideration kept the matter pending since long and are not passing any order in accordance with law.”

3. In view of the nature of the grievances/claims

raised on behalf of the petitioner, this Court is of the opinion that in stead of keeping the matter pending and asking the respondents to file their counter affidavit in the present case, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh petition under the provisions of The Bihar Land Mutation Act, 2011 (in short “Act, 2011”) before the prescribed statutory authority for grant of appropriate relief to the petitioner with respect to the land in question claimed by him. It is ordered accordingly.

4. 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 prescribed statutory authority shall initiate an appropriate proceeding under the provisions of the Act, 2011 and the Rules made thereunder, and shall take it to its logical conclusion strictly in accordance with law, but before passing any final order, reasonable opportunity of hearing must be given to the petitioner and all other concerned persons, besides the private individual, if any.

5. 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 this is left to be decided by the prescribed statutory authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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