

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.224 of 2008

With
Interlocutory Application No. 8239 of 2014

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1. Gautam Singh S/O Late Banarshi Singh, resident of village Risaura,
P.S. Maharajganj, District Siwan (**expunged vide order dated 15.03.2016**
and substituted by his following heirs and legal representatives)

1(a) Satyadeo Singh and

1(b) Shailendra Singh

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Siwan, P.S. Suwan (T), District Siwan
3. The Deputy Collector, Land Reforms, Maharajganj, P.S. Maharajganj,
District Siwan
4. The Circle Officer, Maharajganj, P.S. Maharajganj, District Siwan
5. Durga Singh S/O Late Brij Nandan Singh, resident of village Risaura,
P.S. Maharajganj, District Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bam Deo Pandey, Advocate
Mr. Jitendra Pandey, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 15-03-2016

Re: I.A.No. 8239 of 2014

The instant Interlocutory Application has been filed purportedly on behalf of the heirs and legal representatives of sole petitioner Gautam Singh stating therein that the aforesaid petitioner died on 03.03.2014 leaving behind his two sons, fully detailed in paragraph 2 of the present Interlocutory Application as his heirs and legal representatives.

The learned counsel appearing on behalf of the petitioner submits that both the sons of deceased sole petitioner are major and have entered appearance through their counsel by filing their duly executed vakalatnama.

None appears on behalf of the respondent-the State of Bihar and its officials as also on behalf of the respondent no.5 to

oppose the prayer made in the instant Interlocutory Application.

In the aforesaid facts and circumstances, the prayer for substitution is allowed.

Let the name of deceased sole petitioner Gautam Singh be expunged from the array of the parties of the main writ petition and be substituted by his heirs and legal representatives, fully detailed in paragraph 2 of the instant Interlocutory Application, who have already entered appearance through their counsel.

The instant Interlocutory Application stands allowed.

CWJC No. 224 of 2008

Heard the learned counsel for the petitioners on merits. However, none appears on behalf of the respondents, though name of the learned State counsel is printed in the daily cause list.

The substituted petitioners are aggrieved by the order dated 19.07.2007 passed in Mutation Revision Case No. 345 of 2001-02 by the respondent District Magistrate-cum-Collector, Siwan whereby the aforesaid mutation revision application filed on behalf of the original writ petitioner Gautam Singh has been dismissed and the order dated 28.10.1999 passed in Mutation Appeal No. 3 of 1999 by the respondent appellate authority i.e. DCLR, Maharajganj has been affirmed.

The present writ petition arises out of a mutation proceeding with respect to the lands in question mentioned in the impugned revisional order dated 19.07.2007. Indisputably, the claim of the original petitioner regarding his possession over the lands in question has been rejected by the appellate authority as also by the revisional authority by recording the concurrent

findings of fact against him. The revisional authority while passing the impugned final order has recorded as follows:

“Thus as the revisionist neither has his possession over the land in question nor he has any claim over the land on the basis of Zarpesgi executed in 1935, hence order of the learned lower court that of DCLR’s Court is upheld to the extent of the finding as above and mutation revision application is rejected.”

In view of the fact that the claim of mutation has been rejected by the appellate authority as also the revisional authority by recording the concurrent findings of fact that the petitioner has no possession over the lands in question, this Court does not find any good ground to interfere with the orders impugned passed by the aforesaid two authorities.

In above view of the matter, the writ petition is dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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