

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3041 of 2016

With
Interlocutory Application No.3882 of 2016

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1. Shyam Sundar Yadav
2. Naresh Yadav

Both sons of Late Basudeo Mahton, Resident of Village: Sidheswrpur Tola ,
Nehaluchak, P.S.- Nawadah, District -Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Nawadah.
2. Deputy Collector, Land Reforms, Nawadah.
3. The Circle Officer, Nawadah Sadar, District Nawadah.
4. Narendra Kumar Sinha
5. Surendra Kumar Sinha

Both Sons of Badri Narayan Lal, Resident of village- Sakuchi, Police
Station Giriyak, P.O.- Pawapuri, District -Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Respondent nos.1to3 : Mr. Dhurjati Kumar Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-05-2016

Heard the parties.

The petitioners are aggrieved by the order dated 16.05.2015 passed by the respondent D.C.L.R., Nawada Sadar in Mutation Appeal Case No.73 of 2014, as contained in Annexure-1, whereby the aforesaid mutation appeal filed on behalf of the petitioners against the order dated 11.12.1998 passed in Mutation Case No.105 of 1998-99 by the respondent Circle Officer, Nawada Sadar has been dismissed and the order passed by the respondent Circle Officer, Nawada Sadar has been affirmed.

Before arguing the matter on merits, the learned counsel appearing on behalf of the petitioners submits that the petitioners have filed I.A. No.3882 of 2016 stating therein that, against the impugned appellate order dated 16.05.2015, the petitioners have filed Mutation Revision Case No.11 of 2015, which is still pending before the Additional Collector, Nawada. He

submits that, in view of the pendency of the aforesaid mutation revision case, the Additional Collector, Nawada may be directed to dispose of the same on merits expeditiously.

Learned GP-7 appearing on behalf of the respondent nos.1 to 3 submits that, in view of the pendency of the mutation revision case, the present writ petition is not maintainable. However, he submits that the revisional authority may be directed to take up the mutation revision case filed on behalf of the petitioners on priority basis and, if possible, that may be disposed of at an early date.

In view of the fair stand taken by the learned counsel appearing on behalf of the parties, the present writ petition is disposed of with a direction to the Additional Collector, Nawada to take up the aforesaid Mutation Revision Case No.11 of 2015 filed on behalf of the petitioners on priority basis and all endeavours should be made to dispose of the same at an early date preferably within a period of three months from the date of receipt/production of a copy of this order. However, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners as also the respondent nos.4 and 5, besides others, if any.

It is also clarified that the parties shall be at liberty to raise all the issues of facts and law before the revisional authority, which may be available to them with respect to the lands in question.

I.A. No.3882 of 2016 also stands accordingly disposed of.

Arvind/-

(Birendra Prasad Verma, J)

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