

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5778 of 2016

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1. Shivkali Devi wife of Nathuni Pandit, resident of village- Mahtlohiya, Ahirtoli, P.O. & P.S. Harsidhi, District- East Champaran at Motihari
2. Munni Pandit, Son of Nathuni Pandit, resident of village- Mahtlohiya, Ahirtoli, P.O. & P.S. Harsidhi, District- East Champaran at Motihari
..... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Revenue and Land Reforms, Patna
3. The Bhoodan Yagya Samiti through its Secretary, Patna
4. The Circle Officer, Harsidhi, East Champaran at Motihari
5. The S.D.O., Areraj, District East Champaran at Motihari
6. The Collector, East Champaran at Motihari
7. The Superintendent of Police, East Champaran at Motihari
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Dwivedi, Sr. Advocate
Mr. Parth Gaurav, Advocate
Mr. Rakesh Chandra, Advocate

For the Respondent

Nos. 1, 2 & 4 to 7 : Mr. Rakesh Ambastha, AC to AAG 15

For the Respondent No.3: Mrs. Alka Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-04-2016

Heard.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent no.4, the Circle Officer, Harsidhi, to mutate the lands in question in their favour, details of which have been given in paragraph nos. 4 and 5 of the writ petition.

In view of the nature of claims raised on behalf of the petitioners in the present writ petition, this Court is of the opinion that instead of keeping the matter pending before this Court awaiting the respondents to file their counter affidavit for adjudication of the dispute, the interest of justice shall be subserved if the petitioners are granted liberty to file an appropriate petition under the provisions of The Bihar Land

Mutation Act, 2011 (in short, “the Act”) before the respondent Circle Officer, Harsidhi in the district of East Champaran, Motihari for grant of appropriate relief to them. It is ordered accordingly.

If an appropriate petition is filed on behalf of the petitioners under Section 3 of the aforesaid Act before the respondent Circle Officer, Harsidhi within a period of one month from today with a certified copy of the present order, the respondent Circle Officer, Harsidhi shall be obliged to initiate a proceeding under the provisions of the Act and shall take it to its logical conclusion and shall pass an appropriate final order strictly in accordance with the provisions of the Act and Rules made thereunder. However, before passing any final order, an opportunity of hearing must be given to the petitioners and all other concerned persons, who may have any claim over the lands in question.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners and this is left to be decided by the respondent Circle Officer, Harsidhi strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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