

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5883 of 2007

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Shyama Devi @ Sushila Devi wife of Anil Kumar Singh,
resident of Village Ghaghar, P.S.Barahara (Krishna Garh)
District Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Bhojpur, Arrah
3. Deputy Collector, Land Reforms, Sadar, Arrah, Bhojpur
4. The Circle Officer, Barahara, District Bhojpur
5. Sri Gyan Chand Singh son of Bisheshwar Singh, resident of
Village Ghanghar, P.O. Sinhaghat, P.S. Barahara at present
Krishnagarh, District Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Ojha
Mr. Rajesh Tripathy

For the Respondent Nos. 1 to 4: Mr.Pramendra Kumar Singh,
AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 25-07-2016 The matter at issue is the claim of mutation of the parties with respect to the land in question bearing plot no. 1167, area 31 ¼ decimals.

The claim of mutation raised on behalf of the private respondent no.5 was allowed by the respondent Circle Officer, Barahara by order dated 31.03.1998 (Annexure-1). The appeal preferred on behalf of the petitioner was finally rejected by order dated 12.09.1998 passed in Mutation Appeal Case No. 12 of 1998-99 (Annexure-2/1). Thereafter, the petitioner, being aggrieved by the aforesaid order, preferred Mutation Revision No. 15 of 1998-99, which has been dismissed by the impugned revisional order dated 05.12.2006 (Annexure-3) passed by the respondent District Collector, Bhojpur, Arrah and the orders

passed by the authorities concerned have been affirmed.

From the facts noticed above, it is apparent that the claim of mutation raised on behalf of the petitioner with respect to the lands in question has been rejected by all the three statutory authorities and that of the respondent no.5 has been accepted.

On examination of the ordersheet, this Court further finds that the present writ petition stood dismissed as against the private respondent no.5 on account of non-compliance of the court's peremptory order dated 27.01.2009. In absence of the respondent no.5, the issues raised herein on behalf of the petitioner cannot be effectively gone into in the present proceeding. In fact, the present matter has become incompetent.

For the reasons recorded above, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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