

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11092 of 2007

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Ramautar Nathani, son of late Dhanraj Nathani, resident of mohalla-Sutapatti Saraiyaganj P.S., Town and District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Collector, Muzaffarpur.
 3. Land Reforms Deputy Collector (East) Muzaffarpur.
 4. Anchaladhikari, Mushahari Anchal, District-Muzaffarpur.
 5. Santosh Kumar Nathani, son of late Mali Ram Nathani.
 6. Kaushalya Devi Nathani, widow of late Digvijay Nathani.
- Both resident of Mohalla-Pakkisarai Chamara Godam, P.S., Town and District-Muzaffarpur.
7. Sheo Kumar Nathani.
 8. Sarvan Kumar Nathani.
 9. Krishna Kumar Nathani.
 10. Ravi Kumar Nathani
- Sons of late Shankar Prasad Nathani.
11. Sajjan Kumar Nathani, son of late Ramgopal Nathani.
- Respondent nos.7 to 11 resident of Mohalla Sutapatti, P.S., Town and District-Muzaffarpur.
12. Gayatri Devi Nathani, wife of Sri Ram Bilash Nathani, resident of mohalla-Kachisarai, P.S., Town and District-Muzaffarpur.
 13. Savitri Devi Nathani, wife of Sri Jayram Das Nathani, resident of mohalla Chhata Bazar, Anditola, P.S., Town and District-Muzaffarpur (expunged vide order dated 18.2.2009 and substituted by her following heirs and legal representaives:-).
- (i) Jairam Das Nathani, husband of late Savitri Devi Nathani, resident of B-43, Vindhyachal Apartment, Boring Road, Patna (deleted vide order dated 1.5.2015)
14. Ashok Kumar Nathani, son of late Savitri Devi Nathani, resident of B-43, Vindhyachal Apartment, Boring Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ganpati Trivedi, Sr.Adv. Mr. Manoj Kumar, Adv.
For the Respondent nos.1to4	:	Mr. Upendra Pratap Singh, AC to SC-4
For the Respondent nos.5&6	:	Mr.T.N.Maitin, Sr.Adv. Mr. Rajeev Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 08-08-2016

Heard the parties.

The petitioner is aggrieved by the order dated

09.04.2007 passed in Mutation Revision Case No.1 of 2006-07 along with Mutation Revision Case No.2 of 2006-07 by the respondent District Collector, Muzaffarpur, as contained in Annexure-6 to the writ petition, whereby the aforesaid Mutation Revision Cases have been allowed and the order of mutation passed by the respondent Circle Officer, Mushahari in the District of Muzaffarpur has been set aside on the ground of violation of rules of natural justice and the matter has been remitted back to the respondent Circle Officer, Mushahari with a direction to pass a fresh order regarding claim of mutation of the parties over the lands in question.

In view of the aforesaid remand order, the claim of mutation of the parties with respect to the lands in question is yet to be decided after giving an opportunity of hearing to them. In that view of the matter, this Court does not feel persuaded to interfere with the impugned revisional order dated 09.04.2007 passed in Mutation Revision Case No.1 of 2006-07 along with Mutation Revision Case No.2 of 2006-07 by the respondent District Collector, Muzaffarpur, as contained in Annexure-6 to the writ petition. Accordingly, the writ petition is dismissed.

However, the parties are granted liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question in the pending proceeding before the respondent Circle Officer, Mushahari in the District of Muzaffarpur.

Arvind/-

(Birendra Prasad Verma, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.08.2016
Transmission Date	N/A