

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5175 of 2016

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Sayara Khatoon, Wife of Safi Ahmad, D/o Maimun Nesa, Resident of Village + P.O. Basantpur, P.S. Mainatard, Anchal- Mainatard, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran at Bettiah.
2. The Additional Collector, West Champaran, at Bettiah
3. The Deputy Collector, land Reforms, Narkatiaganj West Champaran.
4. The Circle Officer, Mainatard, District- West Champaran.
5. Abdul Wahab Mian, Son of Mahboob Mian, Resident of Village + P.O Basantpur, P.S. Mainatard, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kr. Shrivastva, Adv.
For the Respondent nos.1to4 : Mr. Neeraj Raj, AC to GA-8.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-08-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned AC to GA-8 appearing on behalf of the respondent nos.1 to 4, who has also filed a counter affidavit on behalf of the aforesaid respondents, which is taken on the record.

The petitioner is aggrieved by the order dated 25.08.2015 passed by the learned Bihar Land Tribunal, Patna in B.L.T. Case No.2 of 2015, as contained in Annexure-10 to the writ petition, whereby the matter has been remitted back to the Additional Collector, West Champaran, Bettiah with a direction to decide the Mutation Revision Case no.436 of 2013-14 filed on behalf of the respondent no.5 afresh on merits after condoning the delay.

The learned counsel appearing on behalf of the petitioner submits that, while passing the impugned order, the learned Bihar Land Tribunal, Patna has not considered the case of the petitioner, yet he has set aside the order passed by the

revisional authority and remitted the matter back to the Additional Collector, West Champaran, Bettiah for deciding the aforesaid mutation revision case afresh on merits.

The learned AC to GA-8 appearing on behalf of the respondent nos.1 to 4, by referring to the averments made in the aforesaid counter affidavit filed on behalf of the respondent nos.1 to 4, submits that, in fact, the revision application filed on behalf of the respondent no.5 was not considered by the respondent Additional Collector, West Champaran, Bettiah on merits, rather the aforesaid revision application filed on behalf of the respondent no.5 was dismissed on the ground of limitation. Therefore, according to him, the order impugned cannot be legally faulted.

After having heard the parties and taking into consideration the factual matrices, noticed above, this Court does not feel persuaded to interfere with the impugned order dated 25.08.2015 passed by the learned Bihar Land Tribunal, Patna in B.L.T. Case No.2 of 2015, as contained in Annexure-10 to the writ petition, whereby the matter has been remitted back. Apparently, the claim of the petitioner vis-à-vis the respondent no.5 shall be considered afresh on merits. The petitioner as also the respondent no.5 will have full opportunity to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the revisional authority.

The writ petition seems to be devoid of merit and is, accordingly, dismissed, but without costs.

Arvind/-

(Birendra Prasad Verma, J)

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