

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.531 of 2016
In
Civil Writ Jurisdiction Case No. 1013 of 2014**

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Nageshwar Prasad Yadav @ Nageshwar Yadav, Son of Late Jhauri Yadav,
resident of Village- Mahamadpur Dhimo, P.O.- Gopalpur, P.S.- Harnaut,
District- Nalanda.

.... Appellant

Versus

1. The State of Bihar through the District Magistrate, Nalanda.
2. The Additional Collector, Nalanda.
3. The Deputy Collector, Land Reforms, Biharsharif, Nalanda.
4. The Circle Officer, Harnaut, District- Nalanda.
5. The Circle Inspector, Harnaut, District- Nalanda.
6. Sheoraj Yadav @ Sheoraj Singh Yadav, Son of Late Baldeo Yadav.
7. Braj Kishore Yadav, Son of Prayag Yadav.
8. Paras Yadav, Son of late Mahavir Yadav.`
9. Mahendra Yadav, Son of late Ram Nandan Yadav, respondent no. 6 to 9, resident of Village- Mahamadpur Dhimo, P.O.- Gopalpur, P.S.- Harnaut, District- Nalanda.

.... Respondents

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Appearance :

For the Appellant : None.

For the Respondents : Mr. Anshuman Singh, G.P. 24.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-05-2017 None appears for the appellant. Sri Anshuman Singh,

learned counsel representing the State, is present.

Seeking exception to an order dated 07.03.2014, passed

in C.W.J.C. No. 1013 of 2014, this appeal has been filed under

Clause 10 of the Letters Patent.

Apart from the fact there is an unexplained and



inordinate delay of 255 days in filing this appeal, the order under challenge before the learned Writ Court was an order passed by the Additional Collector, Nalanda, under the Mutation Act, 2011 and finding no error in mutation done and further holding that in a case of title and for partition and possession of the land the petitioner should move the Civil Court.

The learned Writ Court has disposed of the matter by holding that the question of title and possession can not be decided under the Mutation Act, 2011. In doing so, we are of the considered view the learned Writ Court has not committed any error and the petitioner is granted liberty to take recourse of remedy by filing a suit and agitate his claim for title and possession over the land in question. We find no error in the order passed by the learned Writ Court.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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