

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1280 of 2013
IN
Civil Writ Jurisdiction Case No. 9 of 2013**

=====

Heera Devi Wife Of Vijay Narain Singh Alias Binay Kumar Singh Resident Of
Mohalla- Jawaripur, P.S.- Tilkamanjhi, Dist- Bhagalpur

.... Appellant

Versus

1. The State Of Bihar
2. The Collector, Bhagalpur
3. The Circle Officer, Sabour, Bhagalpur

.... Respondents

=====

Appearance :

For the Appellant : Mr. Sanjay Kumar Ghosarvey, Advocate
For the Respondents : Mr. Ramadhar Singh, G.P.-25

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-02-2017

Heard counsel for the appellant and the State.

In the normal course of things, the Bench would not have found the reasoning and the rationale of the learned single Judge to be erroneous on the ground that the Bihar Tenants' Holding (Maintenance of Records) Act, 1973, is a composite Act and there is a provision for appeal and revision. But keeping in mind that the ground on which the claim for mutation was rejected by the Circle Officer, Sabour, and the subsequent developments which have taken place, which is the State having lost Second Appeal No. 458 of 2012 vide order dated 15.01.2015 and the S.L.A. (C) No. 13413 of 2015 being dismissed by the Hon'ble Apex Court, the impugned order



passed by the Circle Officer would be required to be reconsidered.

The order dated 01.12.2011 passed by the Circle Officer, Sabour at Bhagalpur, in Mutation Case No. 2297 of 2011-12 is hereby set aside. Matter is remanded back for fresh decision by the Circle Officer keeping in mind the two decisions passed by the High Court in Second Appeal and the order by the Hon'ble Apex Court. Such a decision ought to be taken preferably within a period of three months in view of order of remand.

Appeal is allowed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.02.2017
Transmission Date	N/A

