

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1644 of 2015

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1. Lallan Paswan, son of Sri Shyam Nandan Paswan.
2. Shyam Nandan Paswan, son of Late Jhunna Paswan.
3. Shanti Devi, wife of Lallan Paswan
All residents of Village- Mungila, Post Office- Shankarpur, Imamganj,
Police Station-Khiri More (Paliganj), District- Patna.
4. Rajendra Paswan, son of Sri Sam Nath Paswan, resident of Village-
Damuha Tola (Munnichak), P.O. Saida, Police Station- Kako, District-
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Deputy Collector Land Reforms Paliganj, District- Patna.
4. The Circle Officer Paliganj, District- Patna.
5. Pratima Devi, wife of Sri Surya Nath Baitha,
6. Judagi Devi, wife of Ram Jatan Baitha, resident of Village- Mungila,
Post Office- Shankarpur, Imamganj, Police Station-Khiri More (Paliganj),
District- Patna.
7. Shyam Pari Devi, daughter of Late Ram Lakhan Baitha, wife of Ganga
Dayal Dhobi, resident of Village- Mungila, Post Office- Shankarpur,
Imamganj, Police Station-Khiri More (Paliganj), District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.
For the Respondent nos.1to4 : Mr. K.K.Singh, AC to SC-10
For the Respondent nos.5&6 : Mr.Sarbottam Kumar Sarkar, Adv.
For the Respondent no.7 : Miss Nikki Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-01-2017

Heard the parties.

The petitioners are aggrieved by the separate orders dated 12.11.2013 passed in Mutation Case Nos.368, 369 and 370 of 2013-14 by the respondent Circle Officer, Paliganj, as contained in Annexure-1 series, whereby the aforesaid mutation cases filed on behalf of the petitioners have been dropped on the basis of the information furnished by the private respondent no.5 that a similar dispute is pending before the respondent D.C.L.R.,



Paliganj.

The learned counsel appearing on behalf of the petitioners submits that no such dispute was pending before the respondent D.C.L.R., Paliganj. According to him, in the Case No.96 of 2012-13 filed before the respondent D.C.L.R., Paliganj, the petitioners were not even impleaded as parties and the aforesaid case filed before the respondent D.C.L.R., Paliganj was rejected earlier, prior to passing of the impugned order dated 12.11.2013. Therefore, according to him, an appropriate direction may be issued to the Circle Officer, Paliganj for deciding the case of the petitioners on merits in accordance with law.

The learned AC to SC-10 appearing on behalf of the respondent nos.1 to 4 and the learned counsel appearing on behalf of the respondent nos.5 to 7, though have opposed the prayer made in the present writ petition, but have not been able to dispute the fact that no such matter was pending before the respondent D.C.L.R. when the impugned order was passed.

After having heard the parties and taking into consideration the materials available on the record, this Court is of the opinion that the entire matter requires reconsideration and fresh decision on merits by the respondent Circle Officer, Paliganj, as, admittedly, he has not decided the claims raised on behalf of the petitioners for mutation of their names with respect to the lands in question, on merits, rather he dropped the aforesaid proceedings on the basis of wrong information furnished by the private respondents.

For the reasons recorded above, the impugned separate orders dated 12.11.2013 passed in Mutation Case Nos.368, 369 and 370 of 2013-14 by the respondent Circle



Officer, Paliganj, as contained in Annexure-1 series, are hereby set aside and quashed, and the matter is remitted back to the respondent Circle Officer, Paliganj with a direction to decide the aforesaid mutation cases afresh on merits strictly in accordance with law by keeping in mind the provisions of The Bihar Land Mutation Act, 2011 and the Rules made thereunder. However, before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioners and the private respondent nos.5 to 7, besides others, if any.

In order to expedite the matter, the petitioners and the respondent nos.5 to 7 are hereby directed to appear before the respondent Circle Officer, Paliganj within a period of one month from today with a certified copy of the present order, whereafter the matter shall be decided afresh strictly in accordance with law and after giving an opportunity of hearing to all concerned.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the respondent Circle Officer, Paliganj.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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