

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15301 of 2008

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Rasik Lal Mehta

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Dinesh Pd. Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 12-02-2018 Heard both sides.

The petitioner has filed this writ petition to quash the order dated 24.07.2008 passed in Mutation Appeal No.42 of 2007-08/18 of 2008-09 by which the Dy. Collector Land Reforms, Supaul dismissed the appeal.

Mr. Pramod Mishra, learned counsel for the petitioner submits that Circle Officer passed composite order in Mutation No.4625 to 4712 of 2006-07 and ordered for mutation of the name of purchasers. The same was placed before the Lok Adalat but Presiding Officer, Lok Adalat disposed of the case according to the order passed by the Circle Officer. There is no separate order of Presiding Officer of Lok Adalat. In fact, the order was passed on 12.02.2017 by the Circle Officer. From the order dated 24.07.2008 passed by the Presiding Officer of Lok Adalat shows



that the cases were disposed of in terms of the order of the Circle Officer and not in terms of the agreement or compromise between the parties, therefore, the same order cannot be deemed to be passed by Lok Adalat.

It is submitted that learned D.C.L.R. has illegally dismissed the appeal of the petitioner, in fact, the land was recorded in the name of Raudi Mahto and Faudi Mahto. Raudi Mahto and Faudi Mahto were two brothers. Raudi Mahto filed objection in the year 1962 in Objection Case No.278. Faudi Mahto appeared and Khesra No.3496, 2487 and 2488 were ordered to be recorded in the name of Raudi. It is submitted that let this case be remanded to the D.C.L.R. to dispose of the appeal on merit after hearing both the parties.

Learned counsel for the respondent No.5 has also submitted that if the order is not passed by the Lok Adalat in that event let the appellate order be set aside and the matter be remitted to the court of D.C.L.R. for passing appropriate order after hearing both parties.

Having considered the submission of both sides and on perusal of the order of the Circle Officer as well as the Presiding Officer, Lok Adalat order dated 12.02.2017, it appears that Circle Officer disposed of the batch cases bearing no.4625 to 4712 of



2006-07. On the basis of the registered deed ordered for mutation of the names of the purchasers in the record of rights, all the records were placed before Presiding Officer of Special Lok Adalat, Civil Anchal Karyalaya and the Presiding Officer only ordered that the cases were disposed of on the terms of the order passed by the Circle Officer, therefore, I find that in fact, the order of mutation was passed by the Circle Officer and not by Special Lok Adalat. Accordingly, I set aside the order dated 24.07.2008 passed in Mutation Appeal No.42 of 2007-08/18 of 2008-09 as contained in Annexure 2 and remitted the case to the Dy. Collector Land Reforms, Supaul to hear the appeal on merit and dispose of the appeal after hearing both sides within six months from the date of receipt of this order.

Accordingly, this writ petition stands allowed.

(Prabhat Kumar Jha, J)

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