

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19180 of 2014

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1. Sumitra Devi Wife of Late Chandrika Singh, Resident of Village-
Sahanu, P.S. Magadh University, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Gaya
3. The Deputy Collector, Land Reforms, Sadar, Gaya
4. The Circle Officer, Bodh Gaya, District- Gaya
5. Gopal Singh, alleged son of Late Ram Charitra Singh, Resident of
Village- Sahanu, P.S. Magadh University, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Respondent/s : Mr. AAG13-A.K.Chaudhary

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 04-09-2018 Heard learned counsel for the petitioner, learned counsel
for the State, Mr. Anand Singh, learned counsel for the respondent
No.5 and Mr. Ganpati Trivedi, learned senior counsel for the
intervener-respondent.

The petitioner filed this writ petition for quashing the
order dated 17.09.2014 passed by the Member(Administrative),
B.L.T. in B.L.T. Case No.369 of 2014.

The brief facts is that Gopal Singh, respondent No.5 filed
petition for mutation before the Circle Officer, Bodhgaya claiming
himself to be the adopted son of Late Ram Charitra Singh, in
whose name the disputed land is standing. Gopal Singh filed



Mutation Appeal No.123 of 2012-13 and 67 of 2013-14 and the Revision Case No.46 of 2013-14 before the D.C.L.R. and the Additional Collector respectively but the appeal and the revision were also dismissed. Gopal Singh filed B.L.T. Case No.369 of 2014 and the Member(Administrative), B.L.T. set aside the order of the C.O., D.C.L.R., Sadar Gaya and Additional Collector, Gaya but at the same time, directed the parties to resolve their disputes by approaching the competent civil court.

Learned counsel for the petitioner submits that B.L.T. never issued notice to the petitioner and the Member(Administrative), B.L.T. passed the order without hearing her.

Learned counsel for the respondent No.5 did not dispute this fact. On behalf of Rani Devi, who claims herself to be daughter of Chandrika Singh, filed intervention application.

Taking into consideration the facts that Member(Administrative), B.L.T. set aside the order of the Additional Collector, D.C.L.R. and C.O., without hearing the petitioner and thus the order is illegal, I remit this case to the B.L.T. after setting aside the order dated 17.09.2014 passed by Member(Administrative), B.L.T. for deciding the case afresh after hearing all the concerned parties.



In the result, this writ petition is allowed. The order dated 17.09.2014 is set aside and the matter is remitted to the B.L.T. to dispose the case in accordance with law after hearing the parties.

(Prabhat Kumar Jha, J)

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