

that since this petition is filed under chapter 21C of the Patna High Court for substituting legal heirs of the petitioner who died in the year 2016 and there is inordinate delay, therefore, the substitution petition should not be allowed.

I do not find any force in the submission of the learned counsel for the respondent no. 6 in a writ petition in which there is no period of limitation for substituting legal heirs of petitioner.

Accordingly the I.A. No. 3057 of 2018 is allowed.

Let the name of Lallan Singh be expunged and in his place the names of his legal heirs and representatives be substituted, who have already appeared by filing of Vakalatnama.

C.W.J.C. No. 12588 of 2016

Heard the learned counsel for the petitioners, the learned counsel for the State and the learned counsel for the respondent No.6.

The petitioners have filed this writ petition to quash the order dated 08.04.2016 passed by Circle Officer, Danapur in Misc. case No. 38/15-16.

The learned counsel for the petitioners submits that Late Lallan Singh and respondent No.6 are brother and sister. Jamabandi was opened in the name of Lalan Singh. His sister Kunti Devi filed petition for mutating her name in the record of rights but the Circle Officer, Danapur vide order dated 18.03.2016 rejected the petition for mutating her name. Kunti Devi did not file any petition as provided under Bihar Mutation Law, 2011 but she again filed a petition before the Circle Officer upon which the Circle Officer ordered for mutating the name of Kunti Devi along with Lallan Singh in the record of rights with regard to the lands



standing in the name of Lallan Singh. The learned counsel for the petitioners submits that there is no provision in the Bihar Mutation Law, 2011 showing that the Circle Officer has got any power to reviews his own order.

In the counter affidavit filed on behalf of the State, it is stated that the Circle Officer has committed illegality and no notice was ever issued to Lallan Singh in whose name Jamabandi was standing.

On the other hand, the learned counsel for the respondent No.6 submits that admittedly respondent No.6 is own sister of Lallan Singh and she is entitled to get $\frac{1}{2}$ share in the ancestral property but he could not be able to show any provision from the Bihar Mutation Law, 2011 that the Circle Officer has got any power to review his own order.

It is admitted fact that the lands were standing in the name of Lallan Singh. Earlier the lands were standing in the name of Shyam Narayan Singh, father of Lallan Singh, and after death of Shyam Narayan Singh Jamabandi was opened in the name of Lallan Singh. Kunti Devi filed petition for mutating her name also along with Lallan Singh but her petition was dismissed on 18.03.2016. Again Kunti Devi filed petition and on such the Circle Officer vide order dated 08.04.2016 ordered to open Jamabandi in the name of Kunti Devi inserting her name also in Jamabandi No. 372 on the ground that she is sister of Lallan Singh and, as, she got $\frac{1}{2}$ share in view of provision as contained in Hindu Succession (Amendment) Act, 2005.

For the purpose of mutation whether sister of Lallan Singh inherited property cannot be looked into. The Circle Officer has got no jurisdiction to review his own order dated 18.03.2016



by the impugned order dated 08.04.2016. Therefore, I find that the order dated 08.04.2016 passed by the Circle Officer, Danapur in Misc. case No. 38/15-16 is without jurisdiction and the same is set aside. This writ petition is allowed.

The respondent No.6 may take recourse to other appropriate remedy, in accordance with law.

(Prabhat Kumar Jha, J)

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