

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6745 of 2018

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1. Ramanandi Singh, Son of Siya Ram Singh,
2. Siya Ram Singh, Son of Ramashish Singh,
3. Ram Binod Safi, Son of Kari Safi,
4. Kapal Singh, Son of Nirasu Singh,
5. Sadhusaran Singh, Son of Mahanth Singh,
6. Rajdeo Singh, Son of Guljar Singh,
7. Raj Kumar Singh, Son of Ram Lakshan Singh,
8. Ram Pramod Safi, Son of Kari Safi,
9. Gagan Deo Singh, Son of Guljar Singh,
10. Girbal Singh, Son of Late Bal Govind Singh,
11. Ram Prti Singh, Son of Late Bal Govind Singh,
12. Ramshrestha Singh, Son of Late Mukhlal Singh,
13. Manjhi Mian, Son of Late Hanif Mian,
14. Sita Ram Singh, Son of Late Mathuri Singh,
15. Sumitra Devi, W/o Late Ram Chandra Singh, All are residents of Village-
Harichhapara, P.S.- Dumar, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. The District Public Complaint Redressal Officer-cum- D.M. Sitamarhi.
4. The Sub-Divisional Magistrate, Sitamarhi Sadar, District- Sitamarhi.
5. The Sub-Divisional Magistrate-cum-Sub-Divisional Complaint Redressal Officer
Sitamarhi.
6. The Sub Divisional Magistrate, Sitamarhi.
7. The Circle Officer, Dumra, District- Sitamarhi.
8. Ram Prayag Singh, Son of Late Ram Sagar Singh,
9. Ramadhar Singh, Son of Late Ram Sagar Singh,
10. Sukharam Singh, Son of Late Ram Sagar Singh, R/o Vill- Hari Chhapara, P.S.-
Dumara, Dist- Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Respondent/s : Mr. MD. KHURSHID ALAM -AAG12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 08-05-2018

Heard both sides.

The petitioners in this writ petition seek following reliefs:-

(i) For setting aside the order dated 28.07.2003



passed by Anchal Adhikari, Dumara, in Case No.995/2003-04, whereby and where under on the wrong and suppressed fact placed by the private respondents the learned Anchal Adhikari allowed the mutation in favour of the private respondents despite the matter is still pending before the Hon'ble Court and that too without noticing the petitioners who are the purchasers and still in possession of the land and thus issuing rent receipt.

- (ii) For further direction to the respondents not to disturb the peaceful possession of the petitioners over the land in view of the order passed in Consolidation revision.

Admittedly, the vender of the petitioners is auction purchaser of a money suit. The name of the petitioners were mutated even in the consolidation proceeding. The lands were entered in the name of the petitioners but Late Ram Sagar Singh filed petition for mutation of his name on the basis of possession with regard to the lands standing in the name of the petitioners on which Mutation Case No.995/2003-04 was instituted. The Circle Officer, Dumra, dismissed the mutation case. Late Ram Sagar Singh preferred appeal before the D.C.L.R. and the D.C.L.R. remanded the case to the Circle Officer to pass order after hearing both sides and after inspecting the land in question. Thereafter the Circle Officer without hearing the petitioners



in whose names the jamabandi was standing, passed the order on 28.07.2003 but later on the Additional Collector hold inquiry and submitted report on 13.01.2012 that the then Circle Officer without cancelling the jamabandi standing in the name of the petitioners and without hearing the petitioners illegally ordered for mutation of the name of Late Ram Sagar Singh and his legal heirs have been made respondent no.8, 9 and 10.

Admittedly, the Circle Officer, who without hearing the petitioners in whose names jamabandi was standing, passed the order. This order is appealable.

In this view of the fact, this writ petition is disposed of with liberty to the petitioners to prefer appeal before the competent authority against the order passed by the Circle Officer on 28.07.2003. The appellate authority shall hear the appeal of the petitioners without unsuiting the petitioner on the ground of limitation and dispose of the appeal on merit in accordance with law.

Accordingly, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	NA

