

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1593 of 2019

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Binit Kumar Rammurti Singh R/o D T Road, M. P Bagh, Infront of Brij Hotel, Vishnuvinit Complex, Arrah, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary Revenue Department, Govt. of Bihar.
2. District Magistrate Rohtas
3. Land Reforms Deputy Collector Rohtas
4. Sub-Divisional Officer, Bikram Gunj, Rohtas
5. Circle officer, Bikram Gunj Rohtas
6. Revenue Employee/ Halka Karamchari, Bikram Gunj, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vishal Saurabh
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 09-04-2019 The District Magistrate, Rohtas is personally present.

A show cause reply has been filed on his behalf, explaining the circumstance in which he could not present himself on the last occasion.

The explanation tendered by the District Magistrate, Rohtas to the said extent is accepted.

Regard may be had to the observation of this Court in the order dated 29.01.2019, whereby the District Magistrate was required to explain the circumstance in which the matter remained pending before the Circle Officer, Bikramganj, after the petitioner filed his application for mutation before him.



In today's show cause reply, it has been stated that the matter has been inquired into and it has been found that the application was handed over to the concerned Revenue Karmachari on 01.02.2018 by the Circle Officer and the same remained pending with the Revenue Karmachari for a period of one year and one month and the Karmachari is said to have submitted his report only after filing of this writ application. It has been stated, based on an inquiry conducted by the Deputy Collector Land Reforms of the concerned districts, that disciplinary action is contemplated against the Revenue Karmachari. Steps for initiation of departmental action can also be taken against the Circle Officer, after receiving his response, who has presently been transferred and posted to some other place.

It has also been stated that an order has now been passed on the petitioner's application for mutation on 06.03.2019. The petitioner's application for mutation has been rejected on the ground mentioned in the order.

Learned counsel for the petitioner has submitted that the order has been passed by the Circle Officer in hot haste in the light of the observation made by this Court on 05.03.2019 without giving the petitioner any opportunity to place the



materials before the Circle Officer.

Be that as it may, since the petitioner has remedy of appeal under the Bihar Land Mutation Act, 2011 before the appellate authority, this writ application is disposed of with a liberty to the petitioner to prefer an appeal against the impugned order. If he files any appeal, it goes without saying that the appellate authority shall examine all aspects of the matter as may be raised by or on behalf of the petitioner and dispose of the same on merits

It is indicated that adequate provisions have been made under the Bihar Land Mutation Act, 2011 and Bihar Right to Public Service Act, 2011 to dispose of the application/appeal within fixed time, failure of which may entail disciplinary action. This must be kept in mind by every authority under the Act(s) while exercising their statutory powers.

Personal appearance of the District Magistrate, Rohtas is dispensed with.

(Chakradhari Sharan Singh, J)

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