

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3768 of 2013

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Batassa Khatton S/O Md. Israil Resident Of Village Toopamari, Police
Station- Kishanganj, District- Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar
2. Collector, Kishanganj.
3. Deputy Collector, Kishanganj.
4. Anchal Adhikari, Kishanganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Satish Narayan Sinha
For the Respondent/s : Mr.Shyam Kishor Sharma

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 22-07-2019 Aggrieved by an order of the Deputy Collector Land
Reforms, dated 30.06.2012, passed in Mutation Appeal Case
No. 5 of 2011-12, the petitioner has filed Mutation Revision
Case before the Collector, Kishanganj, as alleged in the writ
application. It is petitioner's grievance that till date, the revision
case has not been registered.

This writ application has been filed, in that
background, seeking direction to the District Magistrate,
Kishanganj, to register the statutory revision, preferred by the
petitioner.

Despite the fact that the writ application was filed
nearly more than six years ago, unfortunately, there is no
counter affidavit on record on behalf of the State respondents.



The Court deprecates the lax attitude of the State respondents towards the cases pending before this Court.

Normally, I would have disposed of this writ application directing the Collector, Kishanganj, to dispose of the statutory revision, which has been filed by the petitioner, but after having seen the pleadings and the materials on record, I am of the view that, that will be a futile exercise. I notice from the order of the Deputy Collector Land Reforms, Kishanganj, that the mutation appeal has been disposed of taking into account that a title appeal in respect of the land in question was pending. Sub-section (12) of Section 6 of the Bihar Land Mutation Act states that mutation of a holding or part thereof shall not be allowed in cases in which title suit in respect of that holding or part thereof is pending in a competent Court. In such circumstance, I do not find any illegality in the order of the Deputy Collector Land Reforms. Even the Collector could not have taken a different view in the light of clear language of sub-Section (12) of Section 6 of the Bihar Land Mutation Act.

This application is thus dismissed.

(Chakradhari Sharan Singh, J)

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