

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5556 of 2003

Radhey Mandal, son of Late Azodhi Mandal, resident of village Gopal Patti Ghat, P.O., P.S. Falka, District Katihar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old secretariat, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Collector, Katihar, District Katihar
4. Land Reforms Deputy Collector, Katihar, District Katihar
5. Circle Officer, Falka District Katihar
6(i) Pradeep Kr. Mandal
(ii) Sandeep Kr. Mandal
(iii) Santosh Kr. Mandal
All sons of Tirtha Nand Mandal, village Gopal Patti, P.S. Falka, District Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Aditya Nath Jha, AC to SC-18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 More than 16 years ago, this writ application was filed on 30.06.2003. On 06.08.2003 when the matter was taken up it was adjourned at the instance of the learned counsel for the petitioner to consider the counter affidavit filed on behalf of the State of Bihar. When the matter was taken up 6 years thereafter on 07.08.2009, on the plea that learned counsel Mr. Sarvendra Kumar Verma had gone out of station, prayer was made for adjournment. The matter was accordingly adjourned. On 17.08.2009 since there was no representation on behalf of the petitioner, the matter was adjourned for a week. The case was



thereafter taken up on 20.08.2010. Again there was no representation. The Court, in such circumstance, directed the matter to be placed at the bottom of the list. The matter was thereafter taken up on 01.02.2012. This time again a prayer was made for adjournment for three weeks and the matter was accordingly adjourned. It seems that between June 2003 to some times in the year 2010, a private respondent died and accordingly I.A. No. 10032 of 2010 was filed for substitution, which was allowed by an order dated 28.09.2012. In course of hearing on 28.09.2012 it had transpired that Bhoodan Yagna Committee was required to be impleaded as party. For the said purpose I.A. No. 6827 of 2012 was filed which was found to be containing lot of confusing facts, as indicated in the order dated 13.08.2013. The matter was, therefore, adjourned granting the petitioner a liberty to file a fresh interlocutory application. 6 years thereafter the matter has been listed today. There is no representation on behalf of the petitioner nor any interlocutory application has been filed in the light of the observation made in the order dated 13.08.2013. This is how this writ application has remained pending for more than one and half decades.

2. In view of the aforementioned facts, in my view, it would be a futile exercise to adjourn the mater any more on the



ground of either absence of the learned counsel for the petitioner or non-filing of interlocutory application as was required to be filed in the light of the order dated 13.08.2013. The fact remains that Bhoodan Yagna Committee was a necessary party to be impleaded and has not been impleaded.

3. Petitioner in the present writ application is aggrieved by the order dated 26.12.2002 passed in Mutation Revision Case No. 595/1995-96 by the Collector, Katihar whereby he has dismissed the case affirming the order of the Deputy Collector Land Reforms dated 01.12.1995 passed in Mutation Appeal Case No. 101 of 1993-94. By the said order dated 01.12.1995 the Deputy Collector Land Reforms Katihar in Mutation Appeal No. 101 of 1993-94 had set aside the order passed by the Circle Officer dated 14.12.1993 in Mutation Case No. 29/1990-91 whereby he had allowed mutation in the name of the petitioner. The claim of the petitioner for mutation in respect of land admeasuring .90 decimals of Mauza Sohtha appertaining to Khata No. 186 Khesra 1363 was based on *Praman Patra* issued under Section 14 of Bihar Bhoodan Act, 1954. It is his claim that one Sukhai Mandal was *Sikmi Khatedar* of the land in question and the petitioner, who was nephew of the said *Sikmi Khatedar*, acquired interest in the said



land on execution of sale deed by the widow of Sukhai Mandal after his death. He is said to have purchased other lands also of Sikmi Khata No. 91, Sikmi Khata No. 114 Khesra 1363 and 1320 respectively for the land measuring 90 decimals and 1.94 decimals respectively on 01.04.1986. Based on the said documents he had applied for mutation, which was allowed. The said order came to be interfered with by the order of the Appellate Authority dated 01.12.1995 noticing a glaring fact that the Circle Officer allowed mutation without recording a finding that the petitioner was in fact in possession over the disputed land. The said reasoning assigned by the Appellate Authority has been affirmed by the Revisional Authority in his impugned order.

4. The impugned order does not suffer from any illegality in view of the facts which are not in dispute. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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