

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21701 of 2019

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Ajay Mahato son of Deonath Mahato resident of Village Bhanpur Badawa, P.O. Padmaul, P.S. Goraul, District- Vaishali, through Power of Attorney given by Udayan Prasad, son of Late Anshuman Prasad, resident of Village Chandpur Khurd, P.S. Goraul, District Vaishali, at present residing at 83/011 ONGC Colony Gokul Dhan Goregaon, East Mumbai- 63.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Bihar Land Tribunal, Patna.
2. The Collector, Vaishali at Hajipur.
3. The Additional Collector, Vaishali at Hajipur.
4. The D.C.L.R., Vaishali at Hajipur.
5. The Circle Officer Goraul Anchal Vaishali at Hajipur.
6. Rajendra Prasad @ Brig Rajendra Prasad @ Bauaji son of Late Bhagwat Prasad at present residing at 35 Vijayrattan Vihar Sector 15/2 Gurgaoin, Hariyana- 122001, permanent resident of Village Chandpura Khurd, P.S. Goraul, District- Vaishali.
7. Uma Shankar Prasad son of Late Ambika Prasad at present residing at 828, 11th Main 7th Cross, B.T.M. IInd Stage Bangalore- 560076, permanent resident of Village Chandpura Khurd, P.S. Goraul, District- Vaishali.
8. Chandeshwar Prasad son of Lage Bhagwat Prasad at present residing at Haridhar Apartment, Dhakuria Kolkata- 700031.
9. Purnendu Prasad son of Late Bhagwat Prasad at presen resident at Sector 73 Noida Gautam Budha Nagar- 201301 (U.P.)
10. Rishikesh Narayan son of Late Ambika Prasad at present residing at 401, H.C.L. Tower, Sector 62 Noida (U.P.)
11. Vinay Vardhan Prasad son of Late Niranjana Prasad Kadina Sonari Link, Jamshedpur- 831002.
12. Dr. Sridhar Prasad son of Late Niranjana Prasad resident at Dandrapuram, Shaziabad 201014 (U.P.).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-11-2019

Heard both sides.

The petitioner filed this writ petition to quash the



order dated 02.05.2019 (Annexure-8) passed by the Member (Administrative), Bihar Land Tribunal, Patna (B.L.T.) in B.L.T. case No. 286 of 2017 by which the learned Member, B.L.T. set aside the order dated 19.01.2017 (Annexure-4) passed by the Additional Collector, Vaishali in Jamabandi Vibhajan Appeal No. 2/2014-15.

The learned counsel for the petitioner assailed the order of the learned Member (Administrative), B.L.T. on the ground that the same was passed ex party. It is submitted that petitioner had purchased the land after partition of the property but during the course of consolidation proceeding the aforesaid land was entered in the names of respondent No. 6 to 11 and on the basis of such entry made by the Consolidation Officer the Circle Officer mutated the names of respondent No. 6 to 11 in the record of rights. When the petitioner came to know about mutation of names of respondents No. 6 to 11 in the record of rights, the petitioner filed appeal before the Additional Collector and the Additional Collector rightly set aside the order of the Circle Officer mutating the names of respondents No. 6 to 11 but the learned Member (Administrative), B.L.T. set aside the order of the Additional Collector on the ground that the Additional Collector has got no jurisdiction to hear appeal under



the Bihar Mutation Act, 2011

After perusal of the Bihar Mutation Act, I find that the Additional Collector has got no jurisdiction to hear mutation appeal. The mutation appeal against the order of Circle Officer lies before the D.C.L.R. and, therefore, the Additional Collector has got no jurisdiction to set aside the order of Circle Officer while hearing mutation appeal.

Thus, I find that the learned Member (Administrative), B.L.T. has rightly set aside the order of the Additional Collector passed in Jamabandi Vibhajan Appeal No. 2/2014-15 as the same is without jurisdiction. Accordingly, I do not find any merit in this writ petition and the same is dismissed with liberty to the petitioner to approach the appropriate court against the order of Circle Officer mutating the names of respondents No. 6 to 11.

(Prabhat Kumar Jha, J)

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