

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8411 of 2021

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1. Smt. Geetika, Wife of Dr. Amrendra Kumar Aditya, Resident of East of Bhola Talkies, Ward No. 9, Under Town Samastipur, P.S.-Sub Division and District-Samastipur.
 - 2.1. Sachchidanand Son of Late Ram Lakhan Singh, Resident of Village-Chhatauna, P.S.-Mufassil, District-Samastipur.
 3. Smt. Munni Devi, Wife of Avanish Kumar, Resident of Village-Jagdishpur, P.S. Pusa, Sub Division and District-Samastipur.
 4. Prem Narayan Thakur, Son of Late Kusheshwar Thakur, permanent resident of Village-Garura, P.S.-Muffassil Samastipur, Sub Division and District-Samastipur.
 5. Niranjana Kumar Sharma, Son of Surendra Mohan Sharma, Resident of New Colony, Dharampur, P.S.-Sub Division and District-Samastipur.
 6. Amrendra Kumar @ Amrendra Kumar Aditiya, son of Late Aditiy Prasad Singh, Resident of Magardah Ward no. 15, Banaras State Campus Barahpathhar, P.S.-Samastipur (T), District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur.
2. The Additional Collector, Samastipur.
3. The D.C.L.R., Samastipur.
4. The Circle Officer, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Om Prakash Upadhyay, Advocate
For the Respondents	:	Mr. Sajid Salim Khan, SC 25
		Mr. Wasi Ahmad Khan, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-08-2022 Heard the parties.

The writ petition has been filed for a direction to the Deputy Collector, Land Reforms, Samastipur (respondent no. 3) for grant/creation of mutation in favour of the petitioners, who applied before respondent no. 3 pursuant to the final order dated



15.07.2014 in Revision Case no. 93 of 2013 by respondent no. 2 which was affirmed by this Court in CWJC No. 19390 of 2014 vide order dated 24.10.2016. Respondent No. 4, in violation of the aforesaid orders and in violation of Section 12 of sub-sections (7) (8) and (9) of the Bihar Land Mutation Act, is sitting tight over the matter without any authority in law.

The only submission on behalf of the respondent no. 4, as advanced by learned counsel for the State, is that as per observations made in the judgment dated 24.10.2016 passed in CWJC No.19390 of 2014, the mutation matter has been kept in abeyance by the respondent no.4. He has submitted that B.L.T. Case No. 614 of 2018 was filed in the Bihar Land Tribunal, Patna which stood dismissed for default and now the petitioners of that case have taken steps for restoration of B.L.T. Case No. 614 of 2018.

Respondent No. 4 has to act as per the direction of this Court pursuant to the judgment dated 24.10.2016 passed in CWJC No.19390 of 2014 and he cannot wait for the private respondents to get an order in their favour and thereafter pass appropriate order. If and when any order is passed in favour of anyone which affects right, title and interest of the petitioners then he will act in accordance with law.



Considering the facts and circumstances of the case, this writ petition is allowed. The Circle Officer, Samastipur (respondent no. 4) is directed to grant/create mutation in favour of the petitioners pursuant to their application. The same must be done within ten days from today.

With the aforesaid observation and direction, this writ petition is allowed.

As the case has finally been disposed of, there is no need of personal appearance of the Circle Officer, Samastipur before this Court.

(Sandeep Kumar, J)

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