

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2589 of 2023

Vijay Sharma Son of Medo Sharma, Resident of Village - Kajichak Milki, P.S. and Anchal - Tarapur, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Collector, Munger, Distt. - Munger.
3. The Additional Collector, Munger, Dist. - Munger.
4. The Deputy Collector, Land Reforms Tarapur, Sub Division - Tarapur, Distt. - Munger.
5. The Circle Officer, Tarapur, Dist. - Munger.
6. Siyaram Sharma, Son of Late Prabhu Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.
7. Sanjay Sharma, Son of Late Adya Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.
8. Sunni Kumar, Son of Late Adya Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.
9. Deepak Sharma, Son of Late Lala Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.
10. Ganesh Sharma, Son of Late Jangu Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.
11. Sanjiv Sharma, Son of Late Govind Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.
12. Sm. Sushila Devi, W/o Late Mahendra Sharma, Resident of Village - Kajichal Milki, Anchal and P.S. Tarapur, District - Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, (AAG-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 07-08-2023

Learned counsel for the petitioner and learned counsel
for the State are present.

Re: I.A. No.: 01 of 2023

2. Learned counsel for the petitioner has filed the present interlocutory application for deleting the name of respondent nos. 11 and 12, as it has been mentioned by counsel for the petitioner that due to mistake, the names of the respondents have unnecessarily been added.

3. Learned counsel for the State has no objection for the same.

4. In this background, let the Interlocutory Application No. 01 of 2023 is hereby allowed.

5. Learned counsel for the petitioner submits that in compliance of the order dated 24.07.2023, he has also deposited the cost of Rs.5,000/- before the Patna High Court Legal Services Committee.

6. From the Office notes, it transpires that Rs.5,000/- has not been deposited.

7. Learned counsel for the petitioner submits that he has filed the cost and has also deposited the receipt online and seeks permission to file the hard copy in the Court itself.

8. The said hard copy is directed to be accepted in the Court itself.

Re: C.W.J.C. No. 2589 of 2023

9. Heard learned counsel for the petitioner and learned

counsel for the State.

10. The present writ application has been filed directing the respondent no. 5 to insert the name of the petitioner in the record of Rights in Khata No. 22 and 163 of Revenue Circle Tarapur, Sub-Division- Tarapur, District- Munger.

11. Learned counsel for the petitioner submits that the private respondents have filed different mutation cases bearing Mutation Case Nos. 1510 of 2019-20, 1513 of 2019-20, 1031 of 2017-18 and 1032 of 2017-18 before the Circle Officer, Tarapur for getting their names mutated in Register-2. The Circle Officer without issuing the notice to the petitioner has allowed the said mutation cases in their names. Being aggrieved and dissatisfied, the petitioner has preferred mutation appeal bearing Mutation Appeal Nos. 47 of 2020-21, 48 of 2020-21, 49 of 2020-21, 50 of 2020-21 before the D.C.L.R., Tarapur which was allowed on 03.12.2021.

12. Learned counsel for the petitioner further submits that by the appellate order which is Annexure- 2 series, the orders passed in the mutation cases were set aside. Counsel submits that the effect of setting aside the order automatically means the revival of the earlier position. Counsel submits that in

this regard, the petitioner has filed representation before the Collector of the District vide Annexure-4 but nothing happened.

13. In this background, that orders passed by the Appellate Court in favour of the petitioner by which the order passed in mutation cases were set aside by the Appellate Court and the earlier position should automatically revive. The allegation of the petitioner is that the Circle Officer, Tarapur, District- Munger has not reviving the earlier position, as the earlier position is very much clear that there is name of Medo Sharma, the petitioner's father was there in the records of the file.

14. In this matter, without entering into the merit and demerit of the case, this Court hereby directs the Collector of the District that every Circle Officer, Deputy Collector Land Reforms and the Additional Collector has to function under the general direction, control and superintendence of the Collector of the District, as laid down under Section 19 of the Bihar Mutation Act, 2011, [Bihar Act 23 of 2011] (hereinafter referred to as 'the Act of 2011').

15. As such, the petitioner is directed to represent afresh before the Collector, Munger and the Collector, Munger is directed to exhaust his power so vested in him under Section

19 of the Act of 2011 to pass a speaking and reasoned order and if necessary, instruct/ direct the Circle Officer, Tarapur, District-Munger in this matter in accordance with law.

16. With this direction, the present writ application stands disposed of.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2023
Transmission Date	NA