

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15689 of 2018

- 1.1. Subodh Kumar Son of Late Nagendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 1.2. Ranjeet Rai Son of Late Nagendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 1.3. Sanjeet Rai Son of Late Nagendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
2. Jageshwar Rai, Son of Late Mahipat Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
3. Nageshwar Rai, Son of Late Mahipat Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 4.1. Pawan Rai Son of Late Rajendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 4.2. Ashok Rai Son of Late Rajendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
5. Shib Chandra Rai @ Shiv Chandra, Son of Late Goni Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
6. Shiv Shankar Rai, Son of Late Goni Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 7.1. Shanti Devi W/o Late Lal Babu Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 7.2. Subodh Kumar Son of late Lal Babu Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 7.3. Santosh Rai Son of Late Lal Babu Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
- 7.4. Mamta Devi D/o- Late Lal Babu Rai, Wife of Raja Kumar Village- Garhan, P.O.- Bochaha, P.S.- Ahiyapur, District- Muzaffarpur.
- 7.5. Munita Devi D/o Late Lal Babu Rai, W/o- Tullu Kumar Village- Ganesh Nagar, P.S.- Gaighat, P.O.- Hasna, District- Muzaffarpur.
8. Karan Raj, Son of Late Ashok Rai, Son of Jyogendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.
9. Ranjan Kumar, Son of Late Ashok Rai, Son of Jyogendra Rai Resident of Village- Bara Jagarnath, P.O.-Bhikhanpur, P.S. Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Muzaffarpur.
2. The Additional Collector, Muzaffarpur.
3. The Deputy Collector Land Reforms, East Muzaffarpur.



4. The Circle Officer, Musahri, Muzaffarpur.
5. Syed Ali Abbas, Son of Late Syed Jalil Hussain, Resident of Saraiya Chak @ Sipapur, P.S.-Ahiyapur, P.O.-Vikhapur, Anchal- Musahri, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, G.P.14

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 20-04-2023

I.A. no.4 of 2023

The instant application has been filed by the petitioners for correcting the description of the name of respondent no.5 in the instant application.

It is submitted that due to typographical error, respondent no.5 has been described as 'Syed Jalil Hussain, Son of Late Syed Ali Abas' instead of the correct 'Syed Ali Abbas, Son of Late Syed Jalil Hussain'.

The instant application is opposed by learned counsel for the State who submits that the order impugned is dated 11.4.2018 passed by the learned Member (Judicial), Bihar Land Tribunal, Patna in B.L.T. Case no.1376 of 2015. The respondent no.5 herein was the respondent no.1 in the above B.L.T. case but no such correction was made.

Let the description of respondent no.5 be read as Syed Ali Abbas, Son of Late Syed Jalil Hussain, resident of



Saraiya Chak @ Sipapur, P.S.-Ahiyapur, P.O.-Vikhapur, Anchal-Musahri, District- Muzaffarpur.

I.A. no.4 of 2023 stands allowed.

Learned counsel for the petitioners to make necessary corrections in the main writ application in course of the day.

CWJC no.15689 of 2018

Heard learned counsel for the parties.

The petitioners have filed the instant application for the following relief(s):

“(i) For issuance of a writ in the nature of Certiorari’ for quashing the order dated 11.04.2018 passed in BLT Case No.1376/2015 by the Hon’ble Member Judicial Sri R.P. Sharma whereby and whereunder the Hon’ble Member has refused to interfere in the order dated 28.08.2015 passed by the Additional Collector, Muzaffarpur in Revision Case No.25/12-13 by which the orders passed by the Circle Officer, Musahri in Mutation Case No. 1521/04-05 upheld by the D.C.L.R., West Muzaffarpur in Mutation Appeal Case No.99/10-11 was set aside.

(ii) For further setting aside the order dated 28.08.2015 passed in Mutation Revision Case No. 25/2012-13 by the Learned Court of Additional Collector, Muzaffarpur, whereby the order dated 26.03.2012 passed in Mutation Appeal Case No. 99/2010-11 by the Learned Court of Deputy Collector Land Reforms, East Muzaffarpur has



been set aside and whereby the Circle Officer, Musahri has been directed to set aside the mutation order passed in favour of the petitioners in Mutation Case No. 1521/2004-2005.

(iii) For other necessary relief/reliefs to which the petitioners may be found entitled in the facts of the case.”

It is the case of the petitioners that a petition for mutation was filed by the original petitioner Nagendra Rai on 5.7.2004 before the Circle Officer concerned. From perusal of the same, it would transpire that although the applicant-petitioner put his name at the place of the applicant, however, as a result of some error in giving the complete description of the name of the applicant, the name of his father Mahipat Rai, who was since deceased, was given. Learned counsel submits that a report was received from the Anchal Amin to the effect that the land in question was in possession of the applicant-petitioner herein pursuant to judgment dated 17.11.1975 passed in Title Suit no.12 of 1975 by the Munsif, East Muzaffarpur and accordingly, direction was given for mutation but once again the same error occurred and the name of the deceased father of the original petitioner no.1 herein ie Mahipat Rai was mentioned. An appeal was preferred against the said order by respondent no.5 which was dismissed by the D.C.L.R. by order dated



26.3.2012 (Annexure-2) passed in Mutation Appeal Case no.99/2010-11. Against the said order, revision was preferred before the Additional Collector, Muzaffarpur which was registered as Mutation Revision Case no.25/2012-13. The same was allowed by order dated 8.8.2015 and both the orders of the Circle Officer as also the D.C.L.R. were set aside. Learned counsel further submits that an application was preferred in the Bihar Land Tribunal, Patna which was registered as B.L.T. Case no.1376 of 2015, however, the learned Member (Judicial), Bihar Land Tribunal was pleased to dismiss the same by his order dated 11.4.2018. The instant application has been preferred against the said order.

The application is opposed by learned counsel appearing for the respondents. Learned counsel for the respondents submits that from perusal of the application for mutation, there remains no doubt that though the application was filed by the original petitioner herein ie Nagendra Rai but there is also no doubt to the effect that in the application for mutation the name of his deceased father Mahipat Rai was given. As such, it is submitted that the Circle Officer and the D.C.L.R. committed error. There is no error in the order of the Additional Collector and that of the learned Tribunal. There



being no merit in the instant application, the same be dismissed.

Having heard learned counsel for the parties and taking into consideration the submissions made and the material on record, in view of the uncontroverted facts that though the application was filed by the original petitioner herein ie Nagendra Rai, however, the applicant before the Circle Officer for mutation was his deceased father Mahipat Rai. The Court finds no illegality in the order and in the opinion of this Court, the writ application is fit to be dismissed on this ground alone that the original application was filed naming the deceased father of the original petitioner herein as the applicant.

Thus, the writ application is dismissed.

The petitioner is given liberty to file a fresh application for mutation before the Circle Officer, which if filed within a period of three months, will be decided by the Circle Officer in accordance with law at the earliest preferably within a period of four months from the date of its filing without being prejudiced by the order passed herein.

All pending applications stand disposed of.

(Partha Sarthy, J)

Saurabh/-

U			
---	--	--	--

