

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15507 of 2017

Janardan Singh S/o Late Janak Singh resident of village - Sastaul, P.S. -
Tisiauta, District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Vaishali at Hajipur.
3. The SDO, Mahua, Vaishali.
4. The Superintendent of Police, Vaishali.
5. The DCLR, Mahua, District Vaishali.
6. The Officer Incharge of Tisiauta, P.S. - Tisiauta, District - Vaishali.
7. Bisheshwar Rai S/o Late Bir Rai
8. Ram Bilash Rai @ Babajee Rai S/o Late Tauki Rai
9. Munde Rai S/o Late Swagat Rai Sl. No. 6 to 8 are residents of Village -
Sastaul, P.S. - Tisiauta, District - Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan-SC25
For the Res. No. 7 to 9	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 28-02-2024

I.A. No. 01 of 2024.

This Interlocutory Application has been preferred for
substitution of the sole petitioner by his heir as incorporated in
paragraph 8 of the petition.

2. The respondents have no objection to it.

3. Accordingly, let the name of the petitioner,
Janardan Singh be deleted and substituted by his heirs as
petitioner no. 2 onwards.

4. I.A. No. 01 of 2024 is allowed.



CWJC No. 15507 of 2017.

Heard the parties.

2. *The present petition has been preferred for assailing validity and correctness of order dated 14.06.2017 in Mutation Appeal Case No.- 166/2016-17 in case of Ram Vilas Rai Vs. Circle Officer Jandaha, whereby the learned DCLR Mahua purported exercise appellate power vide order of dated 14.06.2017 had cancelled the order passed in Mutation Case No.- 25/77-78 and remitted the records to court below for fresh declaration on point of possession without issuing notice, as opportunity of hearing and considering the limitation in appeal and for other necessary relief/reliefs on basis of facts and circumstances of case enumerated and stated hereinafter.*

3. At the outset, learned counsel appearing on behalf of the respondents submit that the petitioner has directly moved before this Court challenging the order passed by the Deputy Collector Land Reforms, Vaishali at Hajipur instead of preferring an appeal before the Divisional Commissioner.

4. Learned counsel for the petitioner submits that he will be preferring an appeal before the Divisional Commissioner. However, the same may not be entertained due to delay and as such, prayer has been made for getting the same



condoned.

5. The writ petition stands disposed of with the observation that if the petitioner prefers any appeal within four weeks from today, the Divisional Commissioner shall look into the limitation or petition and pass an appropriate order taking into account the fact that CWJC No. 15507 of 2017 was pending before this Court for the last seven years.

6. All the orders previously passed, stands vacated.

(Rajiv Roy, J)

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