

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16285 of 2016

Shaheda Parveen wife of Abdul Kudus resident of Mohalla-Gandhi Neem
Imambara P.O. P.S.- Sasaram District-Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector Rohtas, Sasaram
3. The Deputy Collector, Land reform Saaram, Rohtas
4. The Special Officer, Municipal Boarh Sasaram District-Rohtas
5. Mohammad Ilyas son of Late Mohammad Idris
6. Mohammad Gayas
7. Md. Reyaz
Both Sons of Mohammad Ilyas
All Resident of Mohalla-Kabirganj, P.O. P.S.-Sasaram T, District-
Rohtas
8. Md. Atik Ahmad son of Late Md. Ahmad Resident of Village-Gandhi Neem
Mandai Keshwar Khan, P.O. and P.S.-Sasaram T, District-Rohtas. Present-
Rekabganj Taksal, P.O. P.S.-Faizabad, District-Faizabad U.P.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rameshwar Singh
For the Respondent/s	:	Mr.Md. Khurshid Alam- AAG12

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT
Date : 11-07-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed
for following relief;

*“(i) To issue an appropriate writ, order,
direction includng writ of Mandamus commanding
the respondents to direction for dispose off the
application dated 9.9.2015 for mutation, which is
still pending before the respondent no.4.*

(ii) To issue an appropriate writ, order,



direction including a writ in the nature of certiorari for quashing the order dated 15.6.2010 passed by the respondent no.4 in Mutation case No. 36/2009-10 / 180/09-10 and 181/09-10.

(iii) To stay the operation of the order contained in Annexure.”

3. The brief fact of this case is that one Aisa Khatoon, who was the Mausi Khala of the petitioner, had made oral Hiba regarding house and both the shops of MS Plot No. 1728 area 40 Kari. The petitioner accepted the oral Hiba in presence of the mother and Mama of the petitioner as also other relatives. Accordingly, the petitioner came in possession of the gifted house and shops on the basis of oral Hiba made on 01.10.1984 and remained in possession of the same. Aisa Khatoon also executed Sada Memorandum of delivery of possession on 04.12.1990 in favour of the petitioner. Later on, she died on 01.10.1994.

4. Learned counsel for the petitioner further submits that the dispute arose when the petitioner demanded monthly rent for the month March, 2009 from the tenant Md. Ilyas and he refused for the same, stating that he has purchased the said shop from Md. Atik Ahmad, Mama of the petitioner by registered sale deed executed on 30.03.2009. Thereafter, the petitioner filed title suit being T.S. No.639 of 2009 but, the same



is pending.

5. In the meantime, the private respondents filed an application before the Special Officer, Municipal Board for mutation which was allowed vide order dated 15.06.2010.

6. Learned counsel for the petitioner very fairly submits that thereafter, the petitioner also filed an application dated 09.09.2015 for mutation of her name before the Special Officer, Municipal Board, Sasaram (respondent no.4) in place of the respondent no.5 but, the same has not been disposed of as yet and is pending consideration before him.

7. Having heard learned counsel for the parties and taking into consideration the materials available on record, this Court feels it expedient in the ends of justice to direct the petitioner to file a fresh application before the respondent no.4 / the Special Officer, Municipal Board, Sasaram, Dist. Rohtas along with a copy of this order within a period of four weeks from today with a further direction to the respondent no.4 to dispose the application of the petitioner in accordance with law after considering the entire materials on record as also after giving a reasonable opportunity of hearing to the parties concerned within a period of three months from the date of submission of application by the petitioner.



8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Rudra Prakash Mishra, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2024
Transmission Date	

