

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14941 of 2018

1. Bipin Kumar Sinha
2. Vinay Kumar Sinha, Both S/o Late Kamta Prasad, Resident of Behind Argora, Mohalla- Doranda, P.S.- Doranda, Ranchi- 834002 State of Jharkhand.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Nalanda.
3. The Deputy Collector Land Reforms, Rajgir, Nalanda.
4. The Additional Collector, Nalanda.
5. The Circle Officer, Rajgir, Nalanda.
6. The Halka Karmchari, Rajgir, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.
For the Respondent/s : Mr. Sajid Salim Khan -SC25

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-11-2024

In the instant petition, the petitioners have prayed for following reliefs:-

“For issuance of an appropriate writ / order commanding the concerned respondents particularly the Circle Officer, Rajgir (Respondent No.5) to mutate the name of the petitioners in Register II after expunging the name of Kamta Prasad father of the petitioners who died his natural death on 11th March, 2008, and issue receipts in the name of petitioners with regard to the land detailed and described in paragraph 4 of this writ petition.”



2. Learned counsel for the petitioners submits that land in question is the ancestral property of the petitioners. The said land was mutated in the name of their grandfather and thereafter it was mutated in the name of father of the petitioners. He further submits that father of the petitioners died in the year 2008. Thereafter petitioners applied for mutation of said property in their name, however, no action has been taken till date. He however submits that petitioners have not submitted any representation for his grievance before the Circle Officer or any other concerned authority.

3. Learned counsel for the State submits that though the petitioners have made grievance but they have not raised their grievance before any competent authority and without approaching the concerned authority the petitioners have directly rushed to this Court in its writ jurisdiction, and as such, the present writ petition is not maintainable.

4. Be that as it may, for seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

6. Accordingly, the present writ petition stands



disposed of as not maintainable.

6. However, disposal of the writ petition would not be hurdle for the petitioners to approach the concerned authority for redressal of their grievance within a period of six weeks from the date of receipt of this order. If petitioners submit their representation within the stipulated period, the competent authority is directed to hear the grievance of the petitioners and pass order within three months from the date of representation.

(Alok Kumar Pandey, J)

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AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	19.11.2024
Transmission Date	N/A

