

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6106 of 2022

=====

Fuljhariya Devi, w/o Late Raja Noniya, Resident of Village-War Khas War Madapur, P.S.-Aurangabad, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Rohtash at Sasaram.
2. The Sub Divisional Magistrate, Shivsagar, Rohtash at Sasaram.
3. The Circle Officer Shivsagar, Rohtash at Sasaram.
4. Lakhan Noniya, son of Vishun Noniya, Resident of Village Warkhaswar, Madanpur, P.S. Aurangabad, District-Aurangabad.
5. The Additional Collector, Rohtas at Sasaram

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vikalp
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)
AC to SC-25

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 14-11-2024 1. Heard learned counsel for the petitioner and learned AC to SC-25.

2. The learned counsel for the petitioner submits that I.A. No. 1 of 2023 has been filed for substituting the wife of the petitioner in place of the petitioner in the instant writ application as the petitioner died during pendency of the writ application on 25-8-2022.

3. In view of the submissions made by the learned counsel for the petitioner, the wife of the writ petitioner, namely, Fuljhariya Devi is permitted to be added as petitioner.

4. The I.A. No. 1 of 2023 is allowed.



5. The writ application has been filed by the petitioner for a direction upon Respondent Nos. 2 and 3 for issuance of rent receipt with regard to land pertaining to Mauja Kadajar, Thana No. 94, Khata No. 101, Plot No. 40, area 4 decimals.

6. The learned counsel for the petitioner submits that the aforesaid land was recorded in the name of late Bishun Noniya, who was father of Raja Noniya (husband of the petitioner) and Lakhan Noniya. It is submitted that an order under Section 10(d) of the Consolidation Act was passed by the Consolidation Officer, Sheosagar, Rohtas in respect of the aforesaid land that the name of Bishun Noniya be deleted and in his place, the name of his sons, Raja Noniya and Lakhan Noniya be recorded. It is next submitted that in terms of the order passed by the Consolidation Officer, the name of Lakhan Noniya was added while name of the husband of the petitioner (Raja Noniya) was left out.

7. It is thus submitted that in terms of the order passed under Section 10(d) of the Consolidation Act by the Consolidation Officer, the name of the husband of the petitioner be recorded in the Resigter-II and over the jamabandi created with respect of the land in question along with Lakhan Noniya.

8. The learned counsel appearing on behalf of the



State submits that a counter-affidavit has been filed on behalf of respondent Nos. 1 to 3, wherein it has been specifically pleaded that the grievance of the petitioner appears to be genuine but then petitioner never raised the grievance before the competent authority, i.e., the Additional Collector, Rohtas, under Section 9 of the Mutation Act for correction of the jamabandi of the above noted land, further if the petitioner files an application before the Additional Collector, Rohtas, her grievance may be redressed, but then it is submitted that the Additional Collector, Rohtas has not been impleaded as party respondent.

9. The learned counsel for the petitioner, in view of the submissions made by the learned counsel appearing on behalf of the State, seeks permission to add Additional Collector, Rohtas as Respondent No. 5 in the instant writ application.

10. Permission is accorded.

11. After hearing the learned counsel for the parties, the writ petition is disposed of with a direction to the petitioner to file a representation before the Additional Collector, Rohtas within a period of one month from today, in the event, if the representation on behalf of the petitioner is filed before the Additional Collector, Rohtas (Respondent No. 5) on or before



15-12-2024, the Additional Collector, Rohtas, shall dispose of the representation of the petitioner by a reasoned order within a period of two months from the date of filing of the representation.

(Satyavrat Verma, J)

SUMIT/-

U			
---	--	--	--

