

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11651 of 2022

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Amit Kumar Ray, 39 years, S/o Arun Ray @ Late Arun Ray, Resident of
Village- Sarenja, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Buxar.
3. The Deputy Collector Land Reforms, Buxar.
4. The Circle Officer, Chausa, Buxar.
5. Shiv Prakash Ray Son of Late Jhinguri Ray @ Nageshwar Ray Resident of
Village and P.O.- Sarenja, P.S.- Rajpur, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-12-2024 1. Heard learned counsel for the petitioner and learned
AC to AAG-12 Mr. Asif Kalim and the learned counsel
appearing on behalf of the respondent no.5.
2. The learned counsel for the petitioner submits that
petitioner died during pendency of the writ application, as such,
I.A. No.1/2024 has been filed for substituting the legal heir of
the petitioner. It is submitted that the petitioner died on
13.05.2024, leaving behind her son namely, Amit Kumar Ray.
3. In view of the submission made by the learned
counsel for the petitioner, I.A. No.1/2024 is allowed.
4. The office is directed to correct the party position.



5. The learned counsel appearing on behalf of the petitioner submits that the mother of the petitioner had purchased land pertaining to Khata No.469, Plot No.2103, Area 94 decimal (.94 acres), Mauza- Serenja by a registered sale deed dated 19.07.2013 (Annexure-1) from Ashok Ray, brother of the respondent no.5. It is submitted that mother of the petitioner filed Mutation Case No.523/305/2013-14 before the Circle Officer, Chausa, the Circle Officer allowed the Mutation Case by his order dated 27.08.2013 (Annexure-2) and the land was mutated in the name of mother of the petitioner.

6. It is next submitted that respondent no.5 filed Mutation Appeal No.140/2014-15 against the order dated 27.08.2013, passed by the C.O., in Mutation Case No.523/305 of 2013-14 before the D.C.L.R., Buxar, on the ground that Ashok Ray has only 4 decimal of land in Khata No.469, Plot No.2103, thus did not had the right to sell 94 decimals of land and the land was sold without partition in the family.

7. The D.C.L.R. vide his order dated 17.09.2015 (Annexure-4) dismissed Mutation Appeal No.140/2014-15, accordingly, the respondent no.5 filed Mutation Revision Case No.06/2016 before the Collector against the order dated 17.09.2015 in Mutation Appeal No.140/2014-15 passed by the



D.C.L.R. It is submitted that the Collector by his order dated 23.02.2021 (Annexure-5) allowed Mutation Revision Case No.06/2016 and remanded the matter back to the D.C.L.R. to decide Mutation Appeal No.140/2014-15 afresh. It is submitted that D.C.L.R., after hearing the parties on remand, again dismissed Mutation Appeal No.140/2014-15 filed by the respondent no.5, by his order dated 08.10.2021 (Annexure-6) on the ground that T.S. No.172/2011 is pending between the parties for adjudication in the Court of learned Sub-Judge-III, Buxar.

8. The learned counsel next submits that the respondent no.5 against the order dated 08.10.2021, in Mutation Appeal No.140/2014-15, again filed Mutation Revision Case No.301/2021 before the Collector, the Collector without hearing the petitioner, set aside the order dated 08.10.2021, passed by the D.C.L.R., in Mutation Appeal No.140/2014-15, by his order dated 08.03.2022 (Annexure-10), impugned in the present writ application and remanded the matter back to the D.C.L.R. to decide the Mutation Appeal No.140/2014-15 afresh.

9. The learned counsel submits that the order impugned has been challenged, on the ground that the Collector while remanding the matter back to the D.C.L.R. for considering it afresh did not hear the mother of the petitioner, as



such, the order dated 08.03.2022 (Annexure-10) was passed in complete breach of the Principle of natural justice.

10. The learned counsel fairly submits that on remand, the D.C.L.R. has again dismissed the Mutation Appeal No.140/2014-15, filed by the respondent no.5 by his order dated 22.09.2022. It is thus submitted that since the D.C.L.R. has again dismissed the Mutation Appeal No.140/2014-15, after hearing the learned counsel for the parties, on remand, by order dated 08.03.2022 in Mutation Revision Case No.301/2021, passed by the Collector, as such, the writ application has become infructuous and thus seeks permission to withdraw the writ application with liberty to move before an appropriate forum at an appropriate stage, if need arises.

11. Permission is accorded.

12. The writ application is dismissed as withdrawn with aforesaid liberty.

(Satyavrat Verma, J)

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