

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12770 of 2022

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Madhav Prasad @ Madhwa Prasad S/o Late Baraja Narayan Prasad, R/o Village- Noniyachhapar, P.O. - Sisai (Bhore), P.S. - Bhore, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary-Revenue Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Gopalganj.
3. The DCLR, Thahua, Gopalganj.
4. The Circle Officer, Hathua, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (G.P-18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-03-2024 Learned counsel for the petitioner prays for and is permitted to correct the place of the respondent no. 4 from Circle Officer, Hathua, to Circle Officer, Bhore in course of the day.

2. Heard Mr. Jitendra Kumar Singh, learned counsel for the petitioner and Mr. Raj Kishore Roy, learned G.P. -18.

3. The present writ petition has been preferred for the:

*issuance order/orders,
respondent's of appropriate
direction/directions authority to the
writ/writs, to the respondents authority to
comply the order passed by the learned*



DCLR Hathua, Gopalganj, in Mutation Appeal no. 8/2021-22 dated 28-6-2021 by which the order dated 19-9-2019 passed in Mutation case no. 1919/2019-20 passed by the C.O. Bhore, Gopalganj has been set aside and directed to pass the order of mutation in favour of petitioner pertaining to the land situated under Mauza/Anchal Bhore, Dharhara, bearing Khata no.- 7 & 13, Khesra no.- 279, 939 & 1392 measuring two bigha and 12 dhoor.

4. A counter affidavit on behalf of respondent nos. 2 to 4 has been filed on 23.01.2023, the copy of which has been served to the learned counsel for the petitioner today itself and as such, he had no knowledge of the order as also the development which resulted into him making a mention for early hearing on 06.03.2024 whereafter the matter has been taken up today (13.03.2024).

5. For the said lax on behalf of the office of the G.P. 18, a cost of Rs. 2000/- is imposed which has to be paid to Mr. Jitendra Kumar Singh, learned counsel for the petitioner by Friday i.e. 15.03.2023.



6. A counter affidavit on behalf of respondent nos. 2 to 4 i.e. to show i.e Collector, Gopalganj, DCLR, Bhore, Gopalganj and Circle Officer, Bhore, Gopalganj is on record, as stated above and as per the averment, the claim of the petitioner has been rejected by the Circle Officer, Bhore, Gopalganj vide an order dated 28.11.2022.

7. In view of the fact that an order has been passed by the Circle Officer, Bhore, Gopalganj, the petitioner has to prefer an appropriate petition/appeal before the appropriate authority.

8. If such petition is filed, the authority concerned shall take into account the fact that the writ petition is/was pending before the Court and as such, limitation, if any, has to be condoned.

9. The CWJC No. 12770 of 2022 stands disposed of.

10. List under the heading 'To be Mentioned' to peruse whether the order of cost has been complied or not.

(Rajiv Roy, J)

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