

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12163 of 2017

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Yugal Kishore Pandey @ Ramanuj Pandey Son of Brij Nandan Pandey,
resident of Village- Dhamania, P.S.- Agaiaon Garhani, District- Bhojpur
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector-cum-District Magistrate, Bhojpur at Ara, District- Bhojpur Bihar.
3. The Superintendent of Police, Bhojpur at Ara, District- Bhojpur Bihar.
4. The Deputy Collector Land Reforms, Bhojpur at Ara, District- Bhojpur Bihar.
5. The Circle Officer, Garhani, District- Bhojpur Bihar.
6. Ara Sasaram Light Railway Company Limited Having its registered officer at 9, Lal Bazar Street Kolk Son of Sri Ram Ratan Singh, resident of House no. B- 143, Buddha Colony, P.S.- Buddha Colony, P.O.- Sri Krishna Nagar, Town and District- Patna- 800001 Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Respondent/s : Mr. Raj Kishore Ray, GP-18

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 29-07-2024

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the present writ petition for the following relief/s:-



“(I) For issuance of direction to the Respondent Ist Set not to interfere with the peaceful possession of the Petitioner over his Raiyati Land, for which after purchase his name was mutated in the Government Records and is paying rent to the Government, without obtaining any Order from the Competent Court of Civil Jurisdiction.

(ii) For setting aside an Order dated 24.09.2016 passed in Mutation Case No. 383 of 2016-17 by the Circle Officer, Garhani by which he has cancelled the Jamabandi running in the name of Petitioner for which he has no jurisdiction under the Mutation Law.

(iii) For direction to the Respondents Ist set to act in accordance with law without being influence of the Power of Attorney dated 31.05.2005 executed by Ara Sasaram Light railway Company in favour because of the private Respondent same is not in accordance with Company Law and having no legal effect until right and title of Respondent is not declared and decree delivery of possession is for not passed by the Competent Court of Civil Jurisdiction.”

3. At the outset learned counsel for the petitioner submits that against the final order passed in Mutation Case No.



383 of 2016-17, the petitioner & Ors have also filed Mutation Appeal No. 554 of 2016, which is still pending for adjudication before the learned court of Deputy Collector Land Reforms, Bhojpur at Ara (respondent No.4).

4. Learned counsel for the petitioner, thus, seeks disposal of appeal bearing Mutation Appeal No. 554 of 2016 pending before the learned court of Deputy Collector Land Reforms, Bhojpur at Ara (respectively No.4), within a limited time frame.

5. Per contra, learned counsel for the State submits that if appeal bearing Mutation Appeal No. 554 of 2016 is pending before the learned court of Deputy Collector Land Reforms, Bhojpur at Ara (respectively No.4), the same may be disposed of.

6. Considering the aforesaid facts and circumstances of the case, direction is issued to the learned court of Deputy Collector Land Reforms, Bhojpur at Ara (respectively No.4) to dispose of the appeal bearing Mutation Appeal No. 554 of 2016, if not already disposed of, in accordance with law, after affording opportunity of hearing to the parties concerned, within a period of three months from the date of receipt/production of a copy of this order.



7. With the aforesaid direction, the writ petition stands disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02-08-2024
Transmission Date	N/A

