

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1419 of 2010

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Malti Devi, wife of late Arjun Kumar, resident of mohalla-Chhoti Pahari, P.O.
and P.S.-Sohsarai, Town Biharsharif, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda.
3. The Additional Collector, Nalanda.
4. The Deputy Collector, Land Reforms, Biharsharif, Nalanda.
5. The Circle Officer, Biharsharif Block, Nalanda.
6. The Circle Inspector, Biharsharif Block, Nalanda.
7. Rajendra Prasad Kushwaha @ Tara Mahto
8. Chet Narayan Prasad

Both sons of late Gurudayal Mahto, resident of mohalla-Chhoti Pahari, P.O. and
P.S.-Sohsarai Town-Biharsharif, District-Nalanda.

9. Debiya Devi, wife of Loknath Prasad, resident of mohalla-Chhoti Pahari, P.O.
and P.S.-Sohsarai Town-Biharsharif, District-Nalanda.

.... Respondent/s

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Constitution of India - Article 226 and 227

Writ petition impugning the order dated 17.06.2009 passed in a mutation appeal-
matter has already been remanded to the original authority. Writ petition is
completely misconcieved and is accordingly, dismissed.

Parties shall be at liberty to raise all the issues of facts and law.

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.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Adv.

For the Respondent nos.7to9 : Mr. R.C.Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 08-08-2016

Heard the parties.

The petitioner is aggrieved by the order dated 17.06.2009 passed in Mutation Appeal Case No.1 of 2003 by the respondent Additional Collector, Nalanda, as contained in Annexure-5 to the writ petition, whereby the aforesaid case filed on behalf of the respondent no.7 has been allowed after setting aside the orders passed by the Anchal Adhikari, Biharsharif as also the D.C.L.R., Biharsharif and the matter has been remanded to the original authority i.e. the Circle Officer, Biharsharif with a direction to decide the matter afresh.

In view of the fact that by the impugned order the matter has been remanded to the original authority, whereafter the matter shall be decided afresh in accordance with law after giving an

opportunity of hearing to all the parties including the petitioner; therefore, in the considered opinion of this Court, the present writ petition is completely misconceived and is, accordingly, dismissed.

However, the parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the original authority.

(Birendra Prasad Verma, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.08.2016
Transmission Date	N/A