

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.5107 of 2009
RAM EKBAL SINGH, SON OF LATE RAJDEO SINGH,
RESIDENT OF VILLAGE - RATANPURA, P.S.-
MOTIPUR, DISTT.- MUZAFFARPUR.

... PETITIONER.

Versus

1. THE STATE OF BIHAR
2. THE COLLECTOR, MUZAFFARPUR
3. THE LAND REFORMS DEPUTY COLLECTOR (EAST),
MUZAFFARPUR.
4. THE CIRCLE OFFICER, MUSHAHARI, MUZAFFARPUR.

... RESPONDENTS.

4. 30.10.2009. Heard learned counsel for the petitioner
and the State.

Petitioner was the plaintiff in Title
Suit No.156 of 2000, which was decreed under
judgment dated 24th February,2005 against which an
appeal was preferred by the State of Bihar which
was dismissed on the ground of limitation under
judgment dated 16.1.2008 (Annexure-4). While the
matter was pending in appeal, petitioner filed a
petition before Circle Officer, Mushahari,
Muzaffarpur (Respondent No.4)annexing the copy of
the judgment passed by the trial court praying
inter alia to mutate the lands in question in
favour of the petitioner. There does not appear
any date over the petition but the petition is
contained in Annexure-3 to this application.

It is submitted on behalf of the
petitioner that even after dismissal of the appeal

preferred by the State against the judgment of the trial court the Circle Officer is not taking steps to mutate the lands in question although the trial court has found the title and possession of the petitioner over the lands in question. This Court without expressing any opinion about the merits of the prayer made in the petition directs the Circle Officer (Respondent No.4) to consider the request made in the petition (Annexure-3). While considering the request made in petition (Annexure-3) the Circle Officer shall be guided by the provisions contained in the Bihar Tenants Holdings (Maintenance of Records) Act, 1973 and verify the possession over the lands in question and dispose of the petition in accordance with law as early as possible in any case within three months from the date of receipt/production of a copy of this order.

This writ application is, accordingly, disposed of.

(V.N. Sinha, J.)

N.H./