

(2007) 02 JH CK 0016
In the Jharkhand High Court

Protima Moyee Sadhu Khan	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 12-02-2007

Acts Referred:

Citation : (2007) 2 JCR 248

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard.

2. The grievance of the petitioner is that respondent No. 6 directly moved the Deputy Collector Land Reforms, Rajmahal (for short "the D.C.L.R.") for mutation who by order dated 11.7.1997 (Annexure 7) recommended her case for mutation, though petitioner's application for mutation was pending before the Circle Officer, Rajmahal, who was the competent authority.

3. The case of the private respondents and the State is that if the Circle Officer refuses to entertain the petition for mutation, the D.C.L.R. was competent to entertain and pass orders on the same.

4. In reply, it is submitted that respondent No. 6 has not brought on record any document to show that the Circle Officer, in fact, refused to entertain the petition of respondent No. 6.

5. It is the admitted position that a suit being Title Suit No. 7 of 1997 is pending in the Court of the Subordinate Judge, Rajmahal between the parties with regard to the land in question.

6. In that view of the matter, it is not necessary for this Court to go into the question raised by the respective parties in this writ petition. The parties may raise such question in the said suit, if so advised.

7. It is settled law that mutation neither creates nor extinguishes right, title and

interest. It goes without saying that the civil Court will decide the dispute between the parties on the basis of the materials on record before him and the orders passed by the Revenue authorities will not prejudice the parties.

8. With these observations this writ petition is disposed of.