
(2000) 06 PAT CK 0052
In the Patna High Court
Case No : C.W.J.C. No. 2903 of 1998 (R)

Smt. Bela Pandey

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-06-2000

Acts Referred:

Citation : (2000) 3 PLJR 836

Hon'ble Judges : S.N. Mishra, J;A.K. Prasad, J

Bench : Division Bench

Judgement

1. Grievance of the Petitioner in this writ application is that though she has purchased the land appertaining to plot No. 922 khata No. 35 belonging to one Ohiru Bhai C. Dave through registered sale deed dated 28.3.1991 as far back as in the year 1994 yet her name has not been mutated and since then she is in possession over the land, in question. It is alleged that she has filed a petition for mutation of her name pursuant to the purchase of the aforesaid property but the authority for the reasons best known to them, neither they have refused nor allowed the petition for mutation.

2. Mr. Shahi appearing on behalf of (sic) Respondents submits that since the la(sic) was purchased at Calcutta in contravention of the relevant statute and, therefore, mutation cannot be allowed. The submission is wholly misconceived as the prayer for mutation is made merely on the basis of the possession and in this case the Petitioner is in possession. Therefore mutation cannot be refused on the flimsy ground.

3. Accordingly, the Respondent authorities are directed to hear the parties and dispose of the petition in accordance with law and further if the Petitioner is found in possession the mutation must be made in her name. If the petition is not available in the office, it will be open for the Petitioner to file a fresh petition. The Petitioner will, however, compensate to the State for loss of revenue meanwhile.

This writ application is, accordingly, disposed of.