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Gamhariya were started in the name of Ramlal Mahto in the Sirista of Ramnagar Estate and after vesting the same jamabandi was regularised by the State of Bihar in the name of Ramlal Mahto on the basis of the return submitted by the ex-landlord. And after the death of Ramlal Mahto his sons are having peaceful possession over the land in question.

- 3- The respondents quite surreptitiously got their names mutated with respect to the land in question vide mutation appeal case no.1982/06-07 on the basis of forged khesta paper of partition and accordingly jamabandi no. 184, 185, 186, 187 and 188 were created in their names respectively.
- 4- That mutation appeal case was filed against the above order of Anchal Adhikari, Mainatar vide mutation appeal case no. 38/07-08 and after proper hearing and due consideration of entire facts, learned DCLR did set aside order passed by the Anchal Adhikari, Mainatar in mutation case no. 1882/2006-07
- 5- That the respondents did not challenge above order of DCLR, Narkatiaganj in the higher courts but DCLR, Narkatiaganj illegally entertained respondents petition for correction in the above order and started Mic. case no. 01/08-09 and learned DCLR set aside its own earlier order dated 9.10.2007 and ordered for the restoration of jamabandi of the respondents which was earlier cancelled. The learned lower court transgressed its jurisdiction and passed order assuming appellate jurisdiction.

Heard learned lawyer of the petitioner, perused lower court records and other papers enclosed with the record. Respondents remained absent continuously on several dates and also did not show any interest in putting forth their points. The learned lawyer of the petitioner made identical claims in course of hearing as mentioned in the memo of appeal. The learned DCLR has no authority/power to set aside order passed by his own court earlier. In the instant case learned DCLR, Narkatiaganj has set aside his own court's order passed in mutation appeal case no. 38/07-08 passed on 9.10.2007 vide mis. case no. 01/08-09. Thus from the facts mentioned above, it is clear that learned DCLR, Narkatiaganj overstepped/transgressed his jurisdiction by setting aside his own court's order passed in mutation appeal case no. 38/2007-08. Hence order passed by the learned DCLR, Narkatiaganj in Mis. Case no. 1/08-09 is set aside to the findings as above.

~~112~~

Moreover the petitioner claims to have got the land in question by way of Jamindari Settlement, which shows that the above land is mentioned as G.M. Khas in the survey khatia. Anchal Adhikari is also directed to examine the genuineness of all jamabandi of the land in question and if the same is found doubtful, then send a proposal for their cancellation.


Additional Collector.
West Champaran, Bettiah.