

.... Petitioner

... Respondents

Order No. 04 / Dated : 24.04.2025.

1. The instant writ petition has been filed under Article 226 of the Constitution of India for direction upon respondent no. 3 seeking a show cause that as to why the land appertaining to Khata No. 144, Mouza 104, Plot Nos. 1241 and 1242, total 2.3 decimal has not been mutated in favour of the petitioner.
2. It is submitted by learned counsel for the petitioner that his application for mutation was registered as Mutation Case No. 1023 R 27/2021-2022 and the same was rejected by the Circle Officer, Giridih on the ground that the relevant documents of land were not produced.
3. Aggrieved by the said order, the petitioner moved before the Land Reforms Deputy Collector, Giridih in Appeal Case No. R 804/2023-2024 wherein the matter was remanded back to the Circle Officer for passing order afresh after hearing the appellant. The instant writ petition has been filed for direction upon the Circle Officer to expedite the hearing and disposal of the Case No. 1029 R 27/2021-2022 after being remanded by the Land Reforms Deputy Collector, Giridih.
4. Learned counsel for the State submits that there are material discrepancies in the order said to be passed by the Land Reforms Deputy Collector, Giridih in R 804/2023-2024 in which neither the date has been mentioned

nor it has been stated that the order passed by the Circle Officer has been set aside.

5. I find that the order passed by the Land Reforms Deputy Collector, Giridih is cryptic in nature, as even the date has not been mentioned in the said order, which has been annexed with the writ petition.
6. When a case is remanded for the matter to be decided afresh, it was incumbent on the part of the appellate court to have set aside the impugned order, which has not been done in the present case. Further, there are discrepancies also in the number of the case as mentioned in the order passed by the Land Reforms Deputy Collector, Giridih. Whenever the matter is remanded, a date should be fixed for appearance of the parties before the Court below, and a time frame also needs to be given within which the said matter needs to be disposed of. Furthermore, in order avoid any delay instead of relegating the matter to the Circle Officer, it was the Land Reforms Deputy Collector, Giridih who could have taken the relevant documents and pass an order for mutation.
7. Under the circumstance, the Land Reforms Deputy Collector, Giridih is directed to pass order afresh in Case No. R 804/2023-2024 within four weeks from the date of receipt/production of a copy of this order.

Let a copy of this order be sent to the Land Reforms Deputy Collector, Giridih forthwith.

This writ petition stands disposed of.

Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

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