

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.331 of 2014

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1. Shankar Sah, S/O Late Ranga Sah, Resident Of Village And P.O- Nagar Panchayat Sheohar, Ward No. 10, P.S And District- Sheohar.
 2. Sheoji Sah, S/O Late Ranga Sah, Resident Of Village And P.O- Nagar Panchayat Sheohar, Ward No. 10, P.S And District- Sheohar.

.... Petitioners

Versus

1. The State Of Bihar through the Secretary, Department Of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Sheohar.
3. The Additional Collector, (Revenue), Sheohar.
4. The Deputy Collector, Land Reforms, Sheohar.
5. The Circle Officer, Sheohar.
6. The Nagar Panchayat Sheohar through its Executive Officer, Sheohar
7. The Chairperson, Nagar Panchayat, Sheohar.

.... Respondents

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Appearance :

For the Petitioners : Mr. Rajesh Mohan, Advocate
For the State : Mr. Din Bandhu Singh, G.P.9,
Mr. Santosh Kumar, A.C. to G.P. 9
For the respondent nos.6, 7 : Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-01-2015

Heard learned counsel for the petitioners, the State
and respondent nos.6 and 7.

The petitioners are aggrieved by the order dated

28.10.2013 contained in Annexure 14 passed in Mutation Revision No. 19/2012-13, by which the respondent no. 3 has rejected the claim of the petitioners for mutation upon 14 decimals of land of Kheshra No. 5527 appertaining to Khata No. 984.

Learned counsel appearing for the State and respondent nos. 6 and 7 submit that the petitioners have got alternative remedy before the Tribunal constituted under Bihar Land Tribunal Act, 2009 but the petitioners without exhausting such remedy have approached this Court, thus, this application is liable to be rejected.

I find force in the submission raised on behalf of the respondents.

Section 9 and Section 14 of the aforesaid Act provide efficacious remedy to the petitioners, thus, the petitioners should have approached the Tribunal at the first instance.

As a result, this writ application is being disposed of with a liberty granted to the petitioners to approach the Tribunal aforesaid for the redressal of their grievances.

If the petitioners approach such Tribunal within a period of 60 days then let the Tribunal consider the case on its own merit and in accordance with law.

The interim relief granted to the petitioners on 17.01.2014 would continue till either filing of the appropriate application by the petitioners or on completion of 60 days, whichever is earlier. Thereafter, the petitioners would be at liberty to file appropriate application seeking interim relief from the Tribunal itself.

(Dr. Ravi Ranjan, J)

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