

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.649 of 2014

Uma Shanker Singh, Son Of Late Mahendra Singh, Resident Of Village-Chainpur, P.S. Karza, District - Muzaffarpur and at Present Residing in Mohalla - Juran Chapra, Road No. 5, P.S.- Brahmpura, District-Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Additional Collector, Muzaffarpur.
3. The Deputy Collector Land Reforms, East Muzaffarpur, District-Muzaffarpur.
4. The Circle Officer, Anchal Mushahari, District - Muzaffarpur.
5. Udai Shankar, S/O Late Mahendra Singh Resident of Mohalla - Raj Hat, Jainagar, P.O. Jaina Gar, District - Madhubani and at Present Residing in Mohalla - Juran Chapra, Road No. 5, P.S.- Brahmpura, District - Muzaffarpur.

.... Respondents

Appearance :

For the Petitioner	:	Mr. Bhuneshwar Prasad, Mr. Arvind Kumar Verma, Advocates
For the Respondent no.5	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Mr. Jawed Gaffar Khan, A.C. to S.C. 7

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-01-2015

Heard learned counsel for the petitioner, the State and respondent no5.

The petitioner is aggrieved by the order dated

11.04.2013, contained in Annexure 5, passed in Mutation Revision No. 02/2003-04, by which the respondent no. 2 has allowed the revision application filed by respondent no.5 and set aside the order dated 22.03.2003 passed in Mutation Appeal No.47/2002-03 by the Deputy Collector Land Reforms, East Muzaffarpur.

Learned counsel appearing for the State and respondent no. 5 submit that the petitioner has got alternative remedy before the Tribunal constituted under Bihar Land Tribunal Act, 2009 but the petitioner without exhausting such remedy has 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 statutory remedy to the petitioner, thus, the petitioner 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 petitioner to approach the Tribunal aforesaid for the redressal of his grievance.

If the petitioner 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 petitioner on

31.01.2014 would continue till either filing of the appropriate application by the petitioner or on completion of 60 days, whichever is earlier. Thereafter, the petitioner would be at liberty to file appropriate application seeking interim relief from the Tribunal itself.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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