

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23789 of 2012

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Chunnilal Yadav S/O Late Mangal Yadav, resident of Village Narsha, P.S
& Anchal- Raghapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Supaul.
4. The Deputy Collector Land Reform, Birpur.
5. The Circle Officer, Raghapur.
6. Hari Lal Yadav S/O Late Jamun Yadav, resident of Village- Narha, P.S- Anchal, Raghapur, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Respondent Nos. 1 to 5 : Dr. Raj Kumar Singh, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-10-2015

Heard the parties.

The petitioner is aggrieved by the order dated 24.02.2011 passed in Mutation Appeal Case No. 10 of 2009 by the respondent DCLR, Birpur, whereby the aforesaid appeal filed on behalf of the petitioner has been dismissed for the reasons recorded in that order.

Indisputably, against the order impugned, the petitioner has an alternative and efficacious remedy of revision before the prescribed revisional authority, but the petitioner has not exhausted the remedy of revision and has straightway filed the present writ petition, which is not maintainable.

In above view of the matter, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the revisional authority for grant of appropriate relief (s) with respect to the

lands in question, as also with respect to the order impugned in the present proceeding.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

If an appropriate petition is filed before the statutory revisional authority by the petitioner within a period of four weeks from today with a certified copy of the present order and if it is found to have become barred by limitation and if any petition is filed for condonation of such delay, then the authority concerned shall take into consideration that on a bona fide legal advice, the present writ petition was filed on 19.12.2012 and that remained pending before this Court till date.

The parties shall be at liberty to raise all the issues of facts and law with respect to the lands in question, which may be available to them, before the statutory revisional authority.

(Birendra Prasad Verma, J)

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