

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18774 of 2013

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1. Manoj Kumar @ Anil Kumar son of Late Dev Kumar Yadav, resident of Mohallah Mahmudichak, Rajendra Nagar, Road No. 10, P.S.- Kadamkuan, District- Patna
 2. Pankaj Kumar son of Late Dev Kumar Yadav, resident of Mohallah Mahmudichak, Rajendra Nagar, Road No. 10, P.S.- Kadamkuan, District- Patna
 3. Pawan Kumar son of Late Dev Kumar Yadav, resident of Mohallah Mahmudichak, Rajendra Nagar, Road No. 10, P.S.- Kadamkuan, District- Patna
 4. Mostt. Chhatiya Devi wife of Late Dev Kumar Yadav, resident of Mohallah Mahmudichak, Rajendra Nagar, Road No. 10, P.S.- Kadamkuan, District- Patna

.... Petitioner/s

Versus

1. State of Bihar through Collector, Patna
2. Additional Collector, Patna
3. Kumari Seema wife of Late Sashi Bhushan Kumar Resident Of Village Kshipur, Yadav Tola, P.S.- Raja Pakar, District- Vaishali at present residing at Kalyani Apartment, Flat No. 301, Exhibition Road, P.S. Gandhi Maidan, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 & 2 : Mr. Mritunjay Kumar, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 10-12-2015

The petitioners are aggrieved by the order dated 09.07.2013 passed in Mutation Revision Case No. 35 of 2012-13 by the respondent Additional Collector, Patna, as contained in Annexure-7, whereby the aforesaid mutation revision case filed on behalf of the respondent no.3 has been allowed and after setting aside the order passed by the DCLR, Patna Sadar, the matter has been remitted back to the DCLR, Patna Sadar himself for deciding the aforesaid case afresh.

Learned State counsel, appearing on behalf of the respondent nos. 1 and 2, at the very threshold submitted that in

view of the order of remand passed by the revisional authority, the order may not be interfered with. The alternative submission of the learned State counsel is that against the impugned order, the petitioners have an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of the Bihar Land Tribunal Act, 2009.

The submissions made by the learned State counsel appears to be correct.

In above view of the matter, this Court is not inclined to interfere with the impugned order, as contained in Annexure-7, since the matter has been remitted back for fresh decision by the DCLR, Patna Sadar. Accordingly, the writ petition is dismissed.

However, if the petitioners are, at all, aggrieved by the impugned order, they shall be at liberty to approach the Bihar Land Tribunal, Patna for grant of appropriate relief (s).

(Birendra Prasad Verma, J)

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