

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.946 of 2012

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1. Smt. Kalawati Devi, W/O Sri Ramesh Nath Pathak
2. Smt. Renu Devi, W/O Sri Chandra Mani Pathak
Both R/O Mohalla- Pathak Toli, Sherghati, P.S.- Sherghati, District- Gaya

.... Petitioners

Versus

1. The State Of Bihar
2. The Deputy Collector Land Reforms, Sherghati (Gaya)
3. The Incharge Officer, District Revenue Section, Gaya
4. The Circle Officer, Sherghati, Gaya
5. Rabindra Nath Pathak
6. Ranjit Kumar Pathak
7. Arbind Kumar Pathak
8. Rakesh Kumar Pathak
All sons of Rajeshwari Nath Pathak, R/O Mohalla- Pathak Toli, Sherghati,
P.S.- Sherghati, District- Gaya

.... Respondents

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Appearance :

For the Petitioners : Ms. Mahasweta Chatterjee
For the Respondent nos.1to4 : Mr. Sanjay Prakash Verma, AC to GA-1
For the Respondent nos.5to8 : Mr.Rantesh Kumar Singh
Mr.Sunil Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 15-09-2015 Heard the parties.

The petitioners are aggrieved by the order dated 12.09.2011 passed in Misc.Case No.23 of 2010-11 by the respondent D.C.L.R., Sherghati (Gaya), as contained in Annexure-6, whereby the order passed by the Circle Officer, Sherghati in Mutation Case No.335 of 2004-05 regarding the lands in question has been set aside and the claim of the private respondent no.8 has been allowed.

In the considered opinion of this Court, against the impugned order dated 12.09.2011 (Annexure-6), the petitioners have a statutory alternative and efficacious remedy before the prescribed revisional authority in view of the provisions contained

in Section 8 read with Section 23 of The Bihar Land Mutation Act, 2011.

This Court is further of the considered opinion that the issues of facts must be raised by the parties and conclusively decided by the statutory authorities and only thereafter powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked. In the present case, the alternative remedy available to the petitioners has not been availed of.

In above view of the matter, the present writ petition is dismissed with a liberty to the petitioners to approach the statutory authority for redressal of their valid grievances with respect to the lands under dispute.

(Birendra Prasad Verma, J)

Arvind/-

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