

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1042 of 2015

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1. Bidyanand Bhindwar Son of Late Mukti Lal Bhindwar village and Post office - Sugapatti, P.S. Phulparas, District - Madhubani
2. Mihir Kumar Salhaita @ Mahesh Kumar Salhaita Son of Late Bindeshwar Salhaita Resident of village - Nahari, P.O. and P.S. Laukaha, District - Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The Deputy Collector, Land Reforms, Phulparas District Madhubani
4. The Circle Officer, Khutauna, Distt. - Madhubani
5. Shyam Kumar Mukhiya Son of Late Sachchidanand Mukhiya resident of village - Kalripatti, P.S. Khutauna, District - Madhubani
6. Pramanand Mukhiya Son of Late Domi Mukhiya Resident of village - Kalripatti, P.O. Hudra, P.S. Khutauna, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Suraj Narain Yadav, Advocate.
For the Respondents: Mr. Prasoon Sinha, GA-2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 20-02-2015

Heard Mr. Yadav learned counsel for the petitioners,

AC to GA-2 for the State and counsel for the private respondents.

On the strength of a deed of gift executed by ‘Nani’

of the petitioners in their favour an application for mutation was filed

which was objected to by the private respondents. Over-ruling the

objection of the respondents the Circle Officer granted the application.

Aggrieved thereby the respondents filed an appeal which was

allowed. The petitioners assailed the aforesaid order before the

Collector, Madhubani vide Mutation Revision case no. 20 of 2014-15.

The Collector, in view of the discussions made in the order, rejected the said revision application.

Mr. Yadav vehemently submitted that the order is devoid of any reasonings and therefore fit to be interfered with and set aside. On the contrary, the respondents have taken a stand that the order passed by the Collector is amenable to the jurisdiction of the Bihar Land Tribunal constituted under the Bihar Land Tribunal Act, 2009.

The Counsel for the petitioners, appreciating the aforesaid objection of the respondents and finding that a statutory remedy is available to the petitioners sought permission of the Court to withdraw the application enabling the petitioners to move the Tribunal. It has been submitted that the application to be filed by the petitioners may be barred by limitation and as such they would seek condonation of delay, if any, on the ground that the petitioners had been bonafidely pursuing their remedy before this Court.

The application is permitted to be withdrawn with the liberty aforesaid.

(Kishore Kumar Mandal, J)

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