

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7961 of 2014

Shiv Kumari Devi W/o Late Jamadar Singh resident of Shish Mahal Apartment,
Block- B, Flat No. 1-A, Bahadurpur Gumti, Rajendra Nagar, P.S.- Bahadurpur,
Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Land Reforms Deptt., null Govt. of Bihar, Patna
3. The District Magistrate, Patna
4. The Deputy Collector, Land Reforms, Patna (City)
5. The Circle Officer, Patna Sadar, Patna
6. Renu Devi fictitiously recorded in the Revenue Records under the Circle Officer, Patna Sadar, Patna as Kumari Smita, W/o Prem Kumar Singh resident of Village-Hurahi, P.S.- Masaurhi, Distt.- Patna, at Present residing as Bahadurpur Gumti, Near Durga Mandir, P.R.D.A. Apartment, P.S.- Bahadurpur, Distt.- Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Sunil Kumar Verma, Advocate
For the Respondents : Mr. Yogendra Prasad Sinha, Advocate
For the State : Himanshu Kumar Akela, A.C. to G.A.1

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-01-2015

I have heard the parties.

The petitioner is aggrieved by Annexures 2 and 4 which are the orders passed by the Circle Officer, Patna. By Annexure-2, the Circle Officer has passed the order for mutation of the land in question in the name of the respondent no.6. It is submitted that such order was passed without any notice or granting opportunity of hearing to the petitioner in whose name the Jamabandi was running. He again approached the Circle Officer and, thereafter, he was heard but the case was dismissed.



Learned counsel appearing for the respondents submits that there is provision of appeal and revision against the aforesaid order under the old Act as well as the new Act which is known as Bihar Land Mutation Act, 2011. That apart, in case the appeals and revisions filed against the orders are also dismissed, another statutory remedy is there for the petitioner under Section 9 or Section 14 of the Bihar Land Tribunal Act, 2009.

I find force in the submission raised on behalf of the petitioner.

In view of the statutory and efficacious remedy already available to the petitioner, she should have approached the Statutory Authority against the order passed by the Circle Officer.

At this stage, learned counsel for the petitioner seeks liberty to file appeal against the said order.

Having regard to the facts and circumstances, this application is being disposed of granting following liberty to the petitioner :-

If the petitioner prefers statutory appeal within a period of 60 days then the appeal should be heard and disposed of on its own merit and in accordance with law after granting opportunity to all the concerned parties within a period of three months from the date of filing of such appeal.

Vide order dated 17.9.2014, the operation of the impugned order was stayed. The aforesaid interim relief granted in favour of the petitioner would continue till 60 days or till the date of filing of appeal, whichever is earlier and, thereafter, the petitioner would have to seek such relief from the appellate authority concerned.

(Dr. Ravi Ranjan, J)

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