

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9285 of 2008

=====

Raj Kumar Gupta & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Shankar Sharan Singh

For the Respondent/s : AC to GA No. 1

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 10-02-2015

Heard learned counsel for the petitioners, learned AC to GA No. 1 as well as learned counsel, who has appeared on behalf of private respondent.

At the very outset, a preliminary objection is being raised by learned counsel for the private respondent that the present writ petition has been filed by surpassing the statutory alternative remedy available to the petitioners. He submits that under the old Act i.e. Bihar Tenant Holding (Maintenance Of Records) Act, 1973, there was statutory remedy of appeal, and thereafter, remedy of revision was also available and the petitioners, ignoring all those remedies, have directly approached this court. He further submits that though the old Act has been repealed and in place of the old Act new Bihar Land Mutation Act, 2011 has been enacted, even in the new Act there is provision of appeal and revision.

In view of the facts and circumstances, the writ petition stands disposed of granting liberty to the petitioners to avail statutory remedy.

If such application / appeal is filed within a period of eight weeks from today, the learned appellate authority may consider the appeal on its own merit keeping in view the fact that the matter was pending before this court since 2008 and decide it on its merit.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--