

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9691 of 2011

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1. Niranjana Kumar son of Tarani Prasad Singh
 2. Narayan Mahto son of Jangali Mahto
 3. Mahavir Mahto son of Hari Mahto
 4. Kisun Mahto son of Ganesh Mahto (**expunged vide order dated 27.06.2016 and substituted by his following heirs and legal representatives**)
 - 4(a) Dharmendra Mahto
 - 4(b) Surendra Mahto
 5. Phuleswar Mahto son of Magan Mahto (**expunged vide order dated 27.06.2016 and substituted by his following heirs and legal representatives**)
 - 5(a) Subodh Mahto
 - 5(b) Kundan Mahto
 - 5(c) Jayant Mahto
 6. Sonelal Mahto Son of Tarani Mahto
 7. Bindeshwari Mahto son of Ram Baran Mahto
 8. Kamleshwari Mahto son of Bharo Mahto
 9. Kailash Mahto son of Puran Mahto (**expunged vide order dated 27.06.2016 and substituted by his following heirs and legal representatives**)
 - 9(a) Jugal Mahto
 - 9(b) Birbal Mahto
 10. Anil Kumar son of Surya Narayan Mahto
 11. Ram Chandra Mahto son of Rupa Mahto
 12. Shivnandan Mahto son of Chander Mahto
 13. Darogi Mahto son of Tarani Mahto
 14. Phulchand Mahto son of Kunjal Mahto (**expunged vide order dated 27.06.2016 and substituted by his following heirs and legal representatives**)
 - 14(a) Surendra Mahto

All are resident of Village- Bind Toli, P.S. Gopalpur,
District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna
3. The Commissioner, Bhagalpur Division, Bhagalpur
4. District Magistrate, Bhagalpur, District- Bhagalpur
5. The Sub-Divisional Officer, Naugachia, District- Bhagalpur
6. The Circle Officer, Gopalpur Anchal, District- Bhagalpur
7. Anandi Kuer son of Dharamnath, resident of Village- Saidpur, P.S.- Gopalpur, District- Bhagalpur (**expunged vide order dated 27.06.2016 and substituted by his following heirs and legal representatives**)
- 7(a) Vivekanand Kuer
- 7(b) Vinodanand Kuer
8. Dayanand Kuer son of Binodanand Kuer, resident Of Village- Saidpur,

P.S. Gopalpur, District- Bhagalpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Respondent Nos. 1 to 6: Mrs. Jahan Ara, AC to AAG V

For the other Respondent/s : Mr. Rakesh Kumar, Advocate

Mr.Siya Ram Shahi, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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13-07-2016

Heard the parties.

The petitioners are aggrieved by the final order dated 24.01.2010 passed in Mutation Case No. 993 of 2009-10 by the respondent Circle Officer, Gopalpur, District Bhagalpur, as contained in Annexure-1 to the writ petition, whereby Jamabandi running in the names of the petitioners with respect to the lands in question has been cancelled.

Apparently, the impugned order is appealable. In the present matter, several disputed questions of facts are involved which are required to be conclusively decided by the statutory authorities.

It is well settled that issues of facts must be raised 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 above view of the matter, the present writ petition is dismissed, but liberty is granted to the petitioners to approach the prescribed appellate authority for grant of appropriate relief (s) with respect to the lands in question claimed by them as also with respect to the order impugned.

If an appropriate appeal is filed before the prescribed appellate authority on behalf of the petitioners within a period of four weeks from today with a certified copy of the present order

and if it is found to have become barred by limitation and if any petition is filed on behalf of the petitioners for condonation of such delay, then the prescribed appellate authority shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 22.06.2011 and that remained pending till date.

It is further clarified that the parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to lands in question before the prescribed appellate authority.

(Birendra Prasad Verma, J)

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