

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18571 of 2015

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1. Nirmal Kumar Singh, S/o late Hari Dawar Singh
2. Gandhi Singh, S/o Late Hari Dawar Singh
3. Mushi Singh, Son of late Bhagat Singh
All Resident of Village- Hurari, P.s Bhagwanpur, District Kaimur

.... Petitioner/s

Versus

1. The State of Bihar, through District Magistrate, Kaimur (Bhabhua)
2. Circle Officer, Rampur, District kaimur.
3. Sarpanch , Kharendra Panchayat ,Rampur District Kaimur.
4. Kashi Nath Singh
5. Hari Nath Singh
Both son of late Jagropan Singh
6. Keshow Singh, son of Dhora Singh
All resident of Village-Hurari, P.S. Bhawanpur, District -Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.
For the Respondent no.4 : Mr. Rajani Kant Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-03-2016 Heard the parties.

The petitioners are aggrieved by the order dated 06.12.2014 passed in Mutation Case No.965 of 2014-15 by the respondent Circle Officer, Rampur, District-Kaimur, as contained in Annexure-1, whereby the aforesaid mutation case filed by the respondent no.5 has been allowed under the provisions of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011').

In the considered opinion of this Court, against the order impugned, the petitioners have an alternative and equally efficacious remedy before the appellate authority, as prescribed under Section 7 of the Act, 2011. After the appellate order, the aggrieved person will have further remedy before the revisional authority, as provided under Section 8 of the aforesaid Act, 2011.

In above view of the matter, the present writ petition is dismissed.

However, the petitioners, if so advised, shall be at liberty to approach the prescribed appellate authority under Section 7 of the Act, 2011 for grant of appropriate relief(s) with respect to the lands claimed by them as also with respect to the order impugned.

If an appropriate appeal is filed on behalf of the petitioners within a period of three 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 appellate authority shall take into consideration that on a bonafide legal advice the present writ petition was filed on 02.12.2015 and that remained pending before this Court till date.

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

(Birendra Prasad Verma, J)

Arvind/-

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