

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12667 of 2009

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Raj Kishore Prasad son of Late Ramashis Prasad, resident of Mohalla court
Bazar, Anchal Dumra, P.O. and P.S.Dumra, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sitamarhi
3. The Director Consolidation, Sitamarhi
4. The Deputy Director, Consolidation, Sitamarhi
5. The Consolidation Officer, Dumra, Sitamarhi
6. The L.R.D.C., Sitamarhi
7. The Circle Officer, Dumra, District Sitamarhi
8. Lal Babu Prasad son of Ramashish Prasad
9. Reshmi Devi wife of Late Ramashish Shah @ Ramashish Prasad
10. Mukesh Kumar son of Lal Babu Prasad

Respondent Nos. 8 to 10 are resident of Mohalla Court
Bazar, P.S.Dumra, District Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md.Gheyasuddin Khan, Advocate

For the Respondent Nos.1 to 7 : Mr. Kamlesh Kishore, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 01-08-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned State counsel appearing on behalf of the respondent nos. 1 to 7. However, none appears on behalf of the respondent nos. 8 to 10, despite issuance of notice to them by order dated 17.09.2009.

The petitioner is aggrieved by the order dated 29.06.2009 passed in Mutation Appeal Case No. 38 of 2008-09 by the respondent D.C.L.R., Sitamarhi Sadar, as contained in Annexure-6 to the writ petition, whereby the aforesaid mutation appeal filed on behalf of the petitioner has been dismissed and order passed by the original authority has been affirmed.

At the very outset, the learned State counsel has raised objection with regard to maintainability of the present writ petition

before this Court at this stage. According to him, against the appellate order, the petitioner has an alternative remedy before the revisional authority.

In view of the aforesaid objection raised on behalf of the State counsel, after some argument, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the prescribed revisional authority for grant of appropriate relief(s) with respect to land in question as also the impugned order.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

It is clarified that if an appropriate revision application is filed on behalf of the petitioner 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 petitioner for condonation of such delay, then the prescribed revisional authority shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 16.09.2009 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, before the prescribed revisional authority.

(Birendra Prasad Verma, J)

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