

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6425 of 2016

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1. Raghu Chaudhary @ Raghunandan Chaudhary, S/o Late Ramavtar Chaudhary, resident of village + P.O. + P.S. Sultanganj, Distt.- Bhagalpur
2. Thakur Mandal, S/o Late Janki Mandal, resident of Mohalla - Kuswaha Tola, Balu Ghat Road, Sultanganj, P.S. Sutanganj, Distt. - Bhagalpur
..... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Collector, Bhagalpur
3. The Circle officer, Sultanganj, Distt. Bhagalpur
4. The Circle Inspector, Sultanganj, Bhagalpur
5. Sri Arun Mandal
6. Niranjan Mandal
7. Pramod Mandal
8. Arvind Mandal
9. Pinku Mandal

All respondent nos. 5 to 9 are S/o Late Sarjug Mandal, R/o Mohalla - Balu Ghat, Sultanganj, P.S. Sultanganj, District - Bhagalpur

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Choubey, Adv.
For the Respondent nos.1to4 : Mr. Sanjeev Kumar, AC to SC-17

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-05-2016 Heard learned counsel for the petitioners and learned AC to SC-17 appearing on behalf of the respondent nos.1 to 4.

The petitioners are aggrieved by the order dated 02.01.2014 passed in Mutation Case No.3058 of 2013-14 by the respondent Anchal Adhikari, Sultanganj, as contained in Annexure-5, whereby the petition for mutation filed on behalf of the private respondent nos.5 to 9 with respect to the lands in question has been allowed.

Learned counsel appearing on behalf of the petitioners submits that the impugned order was passed without giving any opportunity of hearing to the petitioners. Apart from that, he has raised various other issues of facts and law with respect to the lands in question.

Learned State counsel appearing on behalf of the

respondent nos.1 to 4, on the other hand, submits that the impugned order is appealable under Section 7 of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011'). Therefore, according to him, the writ petition is fit to be dismissed at this stage.

After hearing the parties and on going through the materials available on the record, this Court finds that there are certain disputed questions of facts with respect to the lands in question, which can be appropriately decided by the statutory authorities at the first stage 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 and in view of the fact that the petitioners have an alternative and equally efficacious remedy before the prescribed appellate authority under Section 7 of the Act, 2011, the present writ petition is permitted to be withdrawn with a liberty to the petitioners to file an appropriate appeal before the prescribed appellate authority within a period of three weeks from today with a certified copy of the present order.

If an appropriate memorandum of 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, the prescribed appellate authority shall take into consideration that on a bonafide legal advice the present writ petition was filed on 07.04.2016 and that remained pending before this Court till date.

The writ petition stands accordingly disposed of as withdrawn with observations and directions made above.

Arvind/-

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(Birendra Prasad Verma, J)