

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9238 of 2012

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Smt. Manorama Devi, W/O Anil Kumar Singh, R/O Village
Machchanahatta, P.S.- Durgawati, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Land Reforms, Bihar, Patna
2. The District Magistrate, Kaimur at Bhabhua
3. The Additional Collector, Kaimur at Bhabhua
4. The Deputy Collector of Land Revenue, Mohania, District- Kaimur at Bhabhua
5. The Circle Officer, Durgawati, District- Kaimur at Bhabhua
6. Hari Bans Singh S/O Bachan Singh R/O Village- Machchanahatta, P.S.- Durgawati, District- Kaimur (Bhabhua)
7. Sri Jagdish Singh S/O Bachan Singh R/O Village- Machchanahatta, P.S.- Durgawati, District- Kaimur (Bhabhua)
8. Sheojee Singh S/O Bachan Singh R/O Village- Machchanahatta, P.S.- Durgawati, District- Kaimur (Bhabhua)

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent nos.6to8 : Mr. Dhananjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 25-07-2016 The petitioner is aggrieved by the order dated 25.01.2012 passed in Mutation Revision Case No.32 of 2005 by the Additional Collector, Kaimur, Bhabhua, as contained in Annexure-3 to the writ petition, whereby the aforesaid revision application filed on behalf of the petitioner has been dismissed and the order passed by the appellate authority has been affirmed.

The learned counsel appearing on behalf of the private respondent nos.6 to 8, at the very outset, submitted that, against the order impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna and according to him the claim of mutation of the petitioner has been rejected by the appellate authority and the revisional

authority; therefore, the writ petition is liable to be dismissed.

Since, none appears on behalf of the petitioner; therefore, this Court is not inclined to go into the merits of the claim of the parties, but, apparently, against the order impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

It is well settled that the issues of facts on behalf of the parties must be raised and conclusively decided by the statutory authorities and only thereafter the 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 a liberty is granted to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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