

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10018 of 2013

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1. Amitabh Chandra Mukul son of Shri Naval Kishore Sharma, resident of Village - Tulsigarh, P.S. Chandi, District - Nalanda

2. Mrs. Ragini wife of Sri Amitabh Chandra Mukul, rResident of Village - Tulsigarh, P.S. Chandi, District – Nalanda Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna

2. The Chief Secretary, Government of Bihar, Old Secretariat Building, Patna

3. Principal Secretary, Land Reforms, Government of Bihar, Patna

4. The District Magistrate, Patna

5. The DCLR, Patna Sadar, Patna

6. The Circle Officer, Patna Sadar, Patna Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarvendra Kumar Verma, Advocate

For the Respondent/s : Mr. Manoj Kumar Yadav, AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 01-08-2016

Heard the parties.

The petitioners are aggrieved by the order dated 31.01.2013 passed in Mutation Case No. 1377 of 2012-13 by the respondent Anchal Adhikari, Patna Sadar, as contained in Annexure-2 to the writ petition, whereby the petition filed on behalf of the petitioners for mutation of their names with respect to lands in question mentioned in paragraph 1 of the writ petition itself has been rejected on the ground that the lands in question are Gairmazarua Aam land.

The learned counsel appearing on behalf of the petitioners has argued the matter at some length, but in response to the query made by this Court, he has fairly conceded that against the order impugned, the petitioners have an alternative remedy before the appellate authority as also the revisional authority under the provisions of The Bihar Land Mutation Act, 2011 (in short, “the Act”).

In above view of the matter, after some argument, the learned counsel appearing on behalf of the petitioners, seeks permission to withdraw the present writ petition with a liberty to approach the prescribed appellate authority for grant of appropriate relief(s) with respect to lands in question.

Permission is accorded.

The writ petition stands disposed of a withdrawn with the liberty aforesaid.

It goes without say that if an appropriate appeal is filed 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 09.05.2013 and that remained pending till date.

It further goes without saying that, before the appellate authority, 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.

However, it is clarified that before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners, State authorities as also the others, if any.

(Birendra Prasad Verma, J)

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