

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19575 of 2013

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1. Bimal Prasad Sah Son Of Late Ram Krishna Sah Resident Of Village Baturbari, Tola- Palasi, P.S. Tarabari, District- Araria
2. Kamal Prasad Sah Son Of Late Ram Krishna Sah Resident Of Village Baturbari, Tola- Palasi, P.S. Tarabari, District- Araria

.... Petitioner/s

Versus

1. The State Of Bihar
2. Chairman Bihar Land Tribunal, Patna
3. The Collector, Araria
4. The Land Reforms Deputy Collector, Araria
5. The Circle Officer, Araria
6. Deep Narayan Sah S/O Ram Lakhan Sah Resident Of Village- Baturbari, Tola- Palasi, P.S. Tarabari, District- Araria
7. Raj Kumar Sah Son Of Bhore Lal Sah Resident Of Village- Baturbari, Tola- Palasi, P.S. Tarabari, District- Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar

For the Respondent/s : Mr. Radhika Raman

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 04-07-2016 Heard Mr. Uday Bhanu Rai for the petitioners and the State.

Counsel for the petitioners submits that under the impugned order passed by the Bihar Land Tribunal, the appeal/application filed by the private respondents has been allowed on the ground that the petitioners, if aggrieved by the order of mutation passed in favour of the private respondents, could have filed substantive appeal before the appropriate /competent authority. The same was initially entertained and later

turned down. Instead of filing substantive appeal thereagainst the petitioner moved the Deputy Collector Land Reforms under the Land Dispute Resolution Act.

After making submissions at some length and having realized that the petitioners have remedy of filing appeal thereagainst before the Collector/ Additional Collector, he seeks permission of the Court to withdraw this writ application enabling the petitioner to file appeal against the order passed by the Circle Officer directing mutation in favour of the private respondents. It is also submitted that if any such appeal is filed the petitioners would also seek condonation of delay on the ground that they had been bonafidely pursuing their remedy before the higher Courts/Authority.

The writ application is permitted to be withdrawn with the said liberty.

(Kishore Kumar Mandal, J)

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