

2017IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10623 of 2017

=====

Harinarayan Singh Son of Late Muneshwar Singh Yadav, Resident of Village-
Hasanpura, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Land Reform, Kaimur at Bhabua.
3. The Deputy Collector, Land Reform, Kaimur at Bhabua.
4. The Circle Officer, Block Bhabua, Kaimur at Bhabua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Jay Prakash Singh
		Mr. Waliur Rahman
For the State	:	Mr.Rishi Raj Sinha-SC-19
		Mr. Akhilesh Kumar Sinha, AC to SC 19

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 28-03-2019 Heard learned counsel for the parties.

The petitioner seeks quashing of the order dated 01.10.2016, passed by the Deputy Collector Land Reforms, Kaimur at Bhabua in Mutation Appeal Case No. 64 of 2015-16. The petitioner is also seeking quashing of the order of the Circle Officer dated 07.10.2015, which has been affirmed by the Deputy Collector Land Reforms, Kaimur at Bhabua by the said impugned order.

The case of the petitioner is based on the decree, passed by the appellate court in Title Appeal No. 45/4 of 1988/89, whereby the petitioner's title over the suit land has



been declared in his favour. The suit was filed against the state of Bihar.

This is an admitted position that against the judgment of the first appellate court a second appeal is pending vide S.A. No. 525 of 1992, which has been admitted after framing of substantial questions of law. It is, however, the plea on behalf of the petitioner that as no second appeal has been preferred by the State of Bihar and the said second appeal has been filed by a private person, the decree passed by the first appellate court has attained finality.

I am not inclined to entertain this writ application for two reasons. Firstly, the petitioner has not availed alternative statutory remedy against the orders impugned. Secondly, the second appeal before this Court has been admitted, after substantial questions of law having been framed.

The application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

HR/-

U			
---	--	--	--

