

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3251 of 2019

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1. Abu Arshad, son of Abu Fazal, resident of Hajipur, Ward No.-20, Mahatma Gandhi Marg, P.S. and District- Khagaria
 2. Yusuf Salauddin, son of Chaudhary Mahboob Ali Quasar, Resident of 175, Patliputra Colony, P.S- Patliputra, District- Patna
 3. Md. Jiyauallah, son of Md. Jamaluddin, R/O Flat No-105, Imam Plaza, Ali Nagar Colony, Phulwarisharif, P.S- Anisabad, District- Patna
 4. Kumar Gaurav, son of Late Devendra Prasad, Resident of Professor Colony, Punaichak, in front of Keyal Bhawan and behind Sharma lodge, Rajbanshi Nagar, P.S- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Govt. of Bihar, Patna
2. The Collector, Khagaria
3. The Addl. Collector, Khagaria
4. The Sub- Divisional Officer, Khagaria
5. The Deputy Collector Land Reforms, Khagaria
6. The Circle Officer, Khagaria District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dronacharya
For the Respondent/s : Mr. Sajid Salim Khan, SC 25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-02-2019 Heard learned Counsel for the parties concerned.

The petitioners have put to challenge an order, dated 17.11.2018, passed, by the Circle Officer, Khagaria, in Mutation Case No. 33 R27/2017-2018/Khagaria, whereby the petitioners' application for mutation has been dismissed, mainly on the ground that the concerned khata and plots have been mentioned as 'River' in the khatian.

Learned Counsel for the petitioners has attempted to



convince this Court that the grounds mentioned by the Circle Officer for rejecting the application for mutation are not cogent. He has referred to the provisions under Section 6 (13) of the Bihar Land Mutation Act, 2011 in support of his submission.

Be that as it may, there is provision for appeal under the Act before the Deputy Collector Land Reforms, which is statutory in nature, which the petitioners have not availed.

This application is, therefore, disposed of with the observation and liberty to the petitioners that they may challenge the impugned order before the competent appellate authority.

If any case of delay in filing the appeal arose, the appellate authority shall keep in mind the fact that the petitioners were pursuing the remedy before this Court by way of present application.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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