

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4151 of 2019

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Dinesh Prasad Yadav, Son of Late Anup Lal Yadav, resident of Village- Imli (Imli Dih), P.O.- Sonihar Pargana- Farkiya, P.S. Allouli, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Khagaria.
3. The Deputy Collector Land Reforms, Khagaria.
4. The Circle Officer, Allouli, Khagaria.
5. Bishwanath Prasad Yadav, Son of Late Anup Lal Yadav, resident of Village- Imli (Imli Dih), P.O.- Sonihar Pargana- Farkiya, P.S. Allouli, District- Khagaria
6. Subodh Yadav @ Subodh Kumar, Son of Late Rati Lal Yadav @ Ratneshwar Prasad Yadav, resident of Village- Imli Dih, P.O.- Sonihar Pargana- Farkiya, P.S. Allouli, District- Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Mr. Rakesh Ranjan, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-03-2019 Heard learned Counsel for the parties concerned.

The petitioner is aggrieved by the order passed by the Circle Officer, Allouli, Khagaria, in Mutation Case Case No. 35/2012-13, in favour of respondent no. 5 and subsequent orders passed in appeal and finally in revision by the Collector, Khagaria, affirming the said decision of the Circle officer, Allouli, Khagaria, thus, dismissing the appeal and revision filed on behalf of the petitioner.

Learned Counsel appearing on behalf of the petitioner



has submitted that though the order of the Circle Officer, Allouli, Khagari, for mutation, in favour of respondent no. 5, was passed in breach of mandatory requirements under the Bihar Land Mutation Act, 2011, the same has been erroneously approved by the appellate and revisional authority.

In my view, however, the petitioner has alternative statutory remedy before the Bihar Land Tribunal, under Section 9 of the Bihar Land Tribunal Act, 2009, which the petitioner may avail.

This application is disposed of with the liberty to the petitioner to approach Bihar Land Tribunal, raising his grievance as has been raised.

I have not gone into the merits of the petitioner's case. If any such application is filed within two weeks from today before Bihar Land Tribunal and any question of limitation arises, the Tribunal, the Court expects, would keep in mind the fact that the petitioner was pursuing his remedy before this Court, for the purpose of condoning delay.

This application stands disposed of.

(Chakradhari Sharan Singh, J.)

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