

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7879 of 2019

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1. Nageshwar Prasad Singh Son of Late Dinesh Narayan Singh R/o Village-Nasirna, Police Station-Kurtha, District-Arwal (Bihar)
 2. Vijay Kumar Son of Late Rameshwar Singh R/o Village-Nasirna, Police Station-Kurtha, District-Arwal (Bihar)
 3. Upendra Singh Son of Ram Ikbali Singh R/o Village-Nasirna, Police Station-Kurtha, District-Arwal (Bihar)
 4. Subodh Kumar Singh Son of Late Jhulan Prasad Singh R/o Village-Nasirna, Police Station-Kurtha, District-Arwal (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna
3. The Divisional Commissioner Gaya
4. The District Magistrate cum Collector District-Arwal
5. The Additional Collector, Arwal District-Arwal
6. The Circle Officer, Kurtha Block District-Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh
with Mr. Pramod Kumar
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-04-2019 An order dated 27.03.2018, passed by the Additional Collector, Arwal in Jamabandi Cancellation Case Nos. 12/AC/2013, 13/AC/2013, 26/AC/2013, 28/AC/2013, 29/AC/2013 and 44/AC/2013 (Annexure- 6 series) is under challenge. The petitioners have remedy under Section 9(6) (a) of the Bihar Land Mutation Act, 2011 (hereinafter referred to as



‘the Act’) before the Collector of the District, which they have not invoked.

This application is disposed of with a liberty to the petitioners to approach the appellate authority under Section 9(6) (a) of the Act.

It is evident that if any appeal is preferred before the Collector under Section 9(6) (a) of the Act, the same would be time barred.

Learned counsel appearing on behalf of the petitioners has submitted that it was because of wrong impression that the present writ application has been filed instead of approaching the appellate authority under the provisions of the Act. The provision confers upon the Collector a power to condone delay.

In the facts and circumstance, I observe that if any application for condonation of delay is filed by the petitioners before the Collector, the same shall be considered liberally, keeping in view that the petitioners approached this Court by making the present writ application.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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