

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13988 of 2019

Birendra Pratap Singh Son of Late Rabindra Pratap Singh Resident of
Village- Kulhariya, P.O. - Kulhariya, P.S.- Koilawar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector Land Reforms, Danapur, District- Patna.
5. The Circle Officer, Bihta, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Prabhakar
For the State	:	Mr.Md.Khurshid Alam (AAG-12)
		Mr. M.M.Khan, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-07-2019

This writ application has been filed, seeking quashing of an order dated 18.12.2018, passed by the Circle Officer, Bihta, in Rent Fixation Case No. 01 of 2018-19, whereby he has rejected an application filed by the petitioner for fixation of rent of his land, situate at village Pareo, under khata no.400 of plot no.426, admeasuring 12 acre 71 decimal, on the ground that he had recommended for cancellation of *Jamabandi*.

Mr. M. N. Parbat, learned Senior Counsel, appearing on behalf of the petitioner, has not disputed that the petitioner has alternative statutory remedy of preferring an appeal against the impugned order, but has contended that since the impugned order is non-speaking and has not considered the claim of the petitioner at all, this writ application should be maintained and



should not be dismissed on the ground of existence of alternative statutory remedy.

It is true that existence of alternative statutory remedy is no bar for this Court to entertain this writ application under Article 226 of the Constitution of India. At the same time, this is also well-settled that if alternative statutory remedy is available to a litigant, this Court should not entertain an application under Article 226 of the Constitution of India, bypassing the alternative statutory remedy, which cannot be said to not efficacious. It has been repeatedly held by the Supreme Court and this Court that if alternative statutory remedy is available, this Court should be slow in entertaining a writ application against such order.

The writ application is accordingly dismissed.

It goes without saying that the petitioner shall be at liberty to avail his alternative statutory remedy, in accordance with law.

(Chakradhari Sharan Singh, J)

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