

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3573 of 2023

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Santosh Das Son of Late Hanuman Deo Swami Resident of Village-
Barkagaon, PS- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land Reforms and Revenue Department Government of Bihar, Patna.
2. The District Magistrate Bhojpur, District- Bhojpur.
3. The Additional District Magistrate Bhojpur.
4. The DCLR Piro, District- Bhojpur.
5. The Circle Officer Tarari, Bhojpur.
6. Sada Kumar Das S/o Guru Hanuman Dev Swami Resident of - Village-
Post- Barka Gaon, PS- Tarari, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nutan Sahay, Advocate
For the Respondent/s : Mr. Wasi Ahmad Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-10-2023

1. Heard the learned counsel for the parties.

2. The present writ petition has been filed for quashing the order dated 14.06.2013 passed in Mutation Case No. 571/2013-14 issued under the signature of the Circle Officer, Tarari, Bhojpur who has illegally mutated Khata No. 638, Plot No. 1478, 1479 total area 0.25 decimal land situated at Mauza P.S. Tarari in the district of Bhojpur and subsequent order passed by the D.C.L.R. dated 15.04.2015 passed in



Mutation Appeal No. 26/2013-14 and further quashing of order dated 09.06.2022 passed in Mutation Revision Case No. 39/2015, 41/2015. Further for quashing of order dated 02.05.2013 passed by the Circle Officer in Mutation Case No. 267/2013-14 by which Khata No. 333 Plot No. 2459, 2460, 2461, 2462 area 1.91 decimal land situated at Mauza Tari P.S. Tarari, Bhojpur in the name of private respondent.

3. Learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioner before the Bihar Land Tribunal for proper adjudication of the matter. He further submits that liberty may be given to the petitioner to approach the Bihar Land Tribunal.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. In the above view of the matter, this court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Let the petitioner file afresh application before the Bihar Land Tribunal for proper adjudication of the matter.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article



226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid observation.

(Prabhat Kumar Singh, J)

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