

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3387 of 2018

=====

Sashi Kumar, Son of Late Radha Krishna Prasad, Resident of Mohalla-Murgidih, Babutola, Banka, Ward no.-8, P.O.P.S.-Banka, District-Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Collector Banka, District-Banka.
5. The D.C.L.R. Banka, District Banka.
6. The Circle Officer, Banka Circle, District-Banka.
7. Hare Krishan Prasad, Son of Late Nageshwar Prasad, Resident of Mohalla-Murgidih, Babutola, Banka, Ward no.-8, P.O.P.S.-Banka, District-Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Yadav, GP-15 Mr. Dhurajati Kr. Prasad, GP-14

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-02-2023 Heard learned counsel for the parties.

The petitioner has filed the instant application for the
following relief(s):-

“(i) For setting aside the order dated 6.12.2016 passed in mutation appeal no 38/2016-17 by which the learned D.C.L.R, Banka has been pleased to drop the proceeding upholding the order of circle officer Banka, passed in Mutation case no 3106/233/15-16 and observed that petitioner may approach before the competent court for title ignoring the fact that title has already been decided in title suit and upheld up to the Hon'ble



court in second appeal between the same parties and the fact that opposite party himself denied in his written statement that he had not applied for mutation before the circle officer.

(ii) For quashing the order dated 15.02.2016 passed in mutation case no 3106/233/15-16 passed by the Circle officer, Banka whereby the name of respondent no 7 Harekrishan Prasad for 10 katha has been mutated in government register without notice to the land owner on the basis of fabricated /manipulated registered sale deed of the year 1970 which was executed by the grandmother of the petitioner in favour of respondent's brother Rajeshwar Prasad for 2 decimal.

(iii) For any other relief, reliefs for which the petitioner may be found entitled.”

At the outset, a preliminary objection is raised by learned counsel appearing on behalf of the State to the effect that the petitioner has an alternate remedy of preferring a revision under Rule 12 of the Bihar Land Mutation Rules, 2012.

Having heard learned counsel for the parties and going through the materials on record, the Court is of the opinion that the petitioner has an alternate and efficacious remedy of filing an appeal under Rule 12 of the Bihar Land Mutation Rules, 2012.

In view of the above, the application stands disposed



of with liberty to the petitioner to prefer a revision in accordance with the aforesaid rules.

In case a revision application is preferred within a period of four weeks, the prayer for condonation of delay of the petitioner in the said application shall be considered taking into consideration the period that the petitioner was pursuing the instant application in this Court.

The petitioner will be at liberty to raise all the points raised in the instant application as also others before the authority concerned which shall be decided by the authority in accordance with law, expeditiously.

shiv/-

(Partha Sarthy, J)

U			
---	--	--	--

