

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4095 of 2020

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Rani Devi Wife of Naresh Singh Resident of Village-Sahnu, P.S.-Magadh
University, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Revenue Officer, Gaya.
2. The District Land Reforms Development Officer, Gaya, at Present D.C.L.R.,
Gaya.
3. The District Magistrate, Gaya, District-Gaya.
4. The Anchal Adhikari (Circle Officer), Bodh Gaya, District-Gaya.
5. The Head Clerk of Bodh Gaya Circle, District-Gaya.
6. The Divisional Officer, Gaya District-Gaya.
7. The Sub Divisional Officer, Gaya District-Gaya
8. Sumitra Devi Wife of Dani Singh, Resident of Village-Sahnu, P.S.-Magadh
University, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-11-2023 Heard learned counsel for the parties.

2. This writ application has been filed for setting aside
order dated 09.09.2013 passed by D.C.L.R., Gaya in Mutation
Appeal No. 123/2012 – 13/67/2013-14.

3. At the very outset, learned counsel for the State
submits that petitioner has got alternative remedy of revision
under Section 8 of the Bihar Land Mutation Act, 2011 (for short
“Mutation Act”) against the order impugned. Section 8 of the
Mutation Act reads as follows:-



“8. Revision. - (1) The Collector/Additional Collector of the district under this Act may, on an application made to him on this behalf or for the purpose of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by any officer or authority, call for and examine the records of any case pending before or disposed of by such officer or authority and pass such order as he deems fit.

(2) The Party aggrieved by the Deputy Collector Land Reforms (DCLR) Mutation Appeal Suit or Pre-Mutation Revenue Sketch Map being approved shall file an application before the Collector/Additional Collector within 30 days from the date of order/approval for revision.

(3) The Collector/Additional Collector may condone the delay in filing the application for revision against an order provided he is satisfied that there are sufficient reasons for the delay.

(4) The Collector/Additional Collector shall not pass any order modifying, altering or setting aside an order of any authority or officer unless the concerned parties have been given a reasonable opportunity of being heard.

(5) The time limit for the disposal of a mutation revision application shall be thirty (30) working days from the date of receipt of the application for revision.”

4. Learned counsel for the petitioner does not dispute



the aforesaid contention made by the State and requests for disposal of this writ application with liberty to the petitioner to avail alternative remedy of revision, as stated above, against the order impugned.

5. Permission is accorded. The writ application is disposed of with liberty, as indicated above. If such application for revision is filed before the authority concerned, the same shall be heard *on merit* and after hearing the parties, necessary order shall be passed in accordance with law.

6. With above observation and direction, the writ application stands disposed of.

(Prabhat Kumar Singh, J)

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