

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4212 of 2011

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RAMJEE SINGH Son Of Late Raghu Singh Village - Reriya, P.O. - Dihara
Jhumar, P.S. - Baroon, District - Aurangabad

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Collector Aurangabad
3. The Deputy Collector Land Reforms, Aurangabad, District - Aurangabad
4. The Circle Officer, Baroon, District - Aurangabad
5. Uday Kumar Singh Son Of Narayan Isngh Village Khemda, P.O. and P.S.
Baroon, District - Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Advocate
For the Respondent/s	:	Mr. Rajiv Roy, AC to GP 5
For the resp no. 5	:	Mr. Anil Kumar Singh no. 6, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 07-04-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the private

respondent.

The instant writ application has been filed for the

following relief(s) :-

“That this writ application is being filed
for quashing the order dated 06.08.2010 passed in
Mutation Revision Case No. 38/2010 (Ramjee
Singh Vs. Uday Kumar Singh and another) by the
Collector, Aurangabad, as contained in Annexure-1,
by which the appeal preferred by the petitioner has
been rejected on the ground of delay in filing the
appeal within the stipulated time.



This writ application is also being filed for quashing the order dated 16.03.2010 passed in Mutation Appeal No. 15/2009 (Uday Kumar Singh Vs. Ramjee Singh) by the Deputy Collector, Land Reforms, Aurangabad, as contained in Annexure-2, by which appeal filed by Respondent No. 5, Uday Kumar Singh against the order dated 24.10.2007 passed in Mutation Case No. 469/07-08 by Circle Officer, Baroon, has been allowed ex-parte and the order of mutation dated 24.10.2007 has been set aside.

This writ application is also being filed for holding that the impugned orders dated 06.08.2010 and 16.03.2010, as contained in Annexure-1 and 2 respectively are illegal, arbitrary and without any lawful justification and as such they are liable to be set aside.

This writ application is also being filed for holding that the order of mutation passed in favour of the petitioner by the Circle Officer, Baroon in Mutation Case No. 469 of 2007-08 is legal, valid and in accordance with law.”

It is submitted by learned counsel appearing for the respondents that the instant writ application having been preferred against the order dated 6.8.2010 passed in Mutation Revision Case no. 38 of 2010 passed by the Collector, Aurangabad, the petitioner has an alternate and efficacious



remedy of pursuing his case before the tribunal constituted under the Bihar Land Tribunal Act, 2009.

Accordingly, this application is disposed of directing the petitioner to avail the alternate remedy as available to him under section 9 of the Act, referred to hereinabove.

In case an application is filed by the petitioner before the tribunal praying for condonation of delay, the tribunal in considering the same shall take into consideration the period for which the instant case was pursued by this petitioner in this Court.

(Partha Sarthy, J)

Prakash/-

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