

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7638 of 2023

Vikrant Kumar Singh @ Vikarant Kumar Singh Son of Late Rajnarayan Singh, Resident of Village- Tengrari, Anchal- Minapur, P.S.- Shiwai Patti, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Land Reform Department, Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub-Divisional Officer, Minapur, District- Muzaffarpur.
4. The Deputy Collector of Land Reforms, District- Muzaffarpur (East).
5. The Circle Officer, Minapur, District- Muzaffarpur.
6. Anil Kumar Singh Son of Late Bharat Prasad Singh, Resident of Village and Post- Tengrari, Police Station- Siwaipatti, District- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bindhyachal Singh, Senior Advocate Mr. Vipin Kumar Singh, Advocate
For the Respondents	:	Mr. Rishi Raj Sinha SC19 Manoj Kr. Sinha, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-10-2023

Heard learned counsel for the petitioner and the State.

2. Writ petition has been filed for quashing order dated 8.8.2022, passed by the Deputy Collector Land Reforms (DCLR), Muzaffarpur East in Mutation Appeal No.67 of 2021.

3. Learned counsel for the State submits that the petitioner has got remedy of revision before the Collector/Additional Collector against order of the DCLR under section 8(2) of the Bihar Land Mutation Act, 2011 which enumerates that “*an application for revision may be filed before the Collector/Additional Collector of the District by any person aggrieved by any order of the Land Reforms Deputy Collector within 30 days from the date of such order,*” as such, without exhausting the remedy of revision, no writ shall lie.



4. It is well settled that the writ court is not the remedy of the first instance where others exist. It is the remedy of last resort. If the legislature, in its wisdom, provides an extensive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that mandate.

5. In view of the above settled law, let the petitioner take resort to alternative remedy of filing revision application before the Additional Collector against order dated 8.8.2022, passed by the DCLR, Muzaffarpur East in Mutation Appeal No.67 of 2021.

6. In case, such revision is filed, while considering application for limitation, the authority concerned shall take into consideration the period for which the matter in issue was being pursued before this Court.

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

(Prabhat Kumar Singh, J)

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