

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17610 of 2013

1- Bangali Saw Son Of Late Rohan Saw Resident Of Village – Pursunda , Block –
Ishlamnagar Aliganj , P . S. - Sikandra , District – Jamui
2- Mahendra Saw Resident Of Village – Pursunda , Block – Ishlamnagar Aliganj ,
P . S. - Sikandra , District – Jamui

... .. Petitioner/S

Versus

1- The State Of Bihar
2- The Collector, Jamui
3- The Deputy Collector Land Reforms, Jamui
4- The Circle Officer , Ishlamnagar Aliganj, P.S. Sikandra Dist- Jamui
5- The Circle Inspector , Ishlamnagar Aliganj, P.S. Sikandra Dist- Jamui
6- The Halka Kramchari, Ishlamnagar Aliganj, P.S. Sikandra Dist- Jamui
7- Mural Saw Son Late Rohan Saw Resident Of Village-Pursunda Block -
Ishlamnagar Aliganj , P.S. - Sikandra , District – Jamui
8- Manoj Kumar Verma Son Mural Saw Resident Of Village – Pursunda , Block –
Ishlamnagar Aliganj , P.S. - Sikandra , District – Jamui
9- Suresh Saw Son Mural Saw Resident Of Village – Pursunda , Block – Ishlamnagar
Aliganj , P. S. - Sikandra , District – Jamui

... .. Respondent/S

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Dhurjati Kr Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 05-12-2023

Heard learned counsel for the parties.

2. This writ application has been filed for quashing order dated 28.11.2011 passed by the Deputy Collector, Land Reforms, Jamui in Jamabandi Correction Case No. 39 of 2010-11 whereby and where-under he has cancelled the order dated 08.09.1984 passed in Jamabandi Correction Case No 1232 of 1983-84 and directed the Circle Officer, Aliganj to create jamabandi afresh on the basis of possession of the parties.



3. At the outset, learned Counsel for the State appears and raises preliminary objections to the effect that petitioner has got statutory alternative remedy to file an appropriate application before Additional Collector under section 8 of the “Bihar Land Mutation Act”, 2011, which 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) 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.

(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 petitioners does not dispute the above proposition of law .

5 . No reason has been assigned as to why this writ petition should be entertained by this Court under Article 226 of the Constitution despite petitioners having statutory remedy against the impugned order.

6. Accordingly, liberty is given to the petitioner to take up the matter before the appropriate forum as may be available to him in accordance with law .

7. 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.

8 . This writ petition stands disposed of with aforesaid observations.

(Prabhat Kumar Singh, J)

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