

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11167 of 2015

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Anurag Singh S/o Satyawar Singh resident of Barhiya, Tola, Dhamraj , P.s
and Barhiya, Distt Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dy. Collector of Land Reforms Lakhisarai.
3. Circle Officer, Lakhisarai.
4. Gopal singh S/o Ramanugrah Prasad Singh resident of Barhiya, Tola,
Dhamraj , P.s and Barhiya, Distt Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyamlendra Kumar
For the State : Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-10-2023 Heard learned counsel for the petitioner and learned

State counsel.

2. This writ petition has been filed for the following

reliefs:

*“i. To quash the order dated 5.6.2015 Vide
Letter No. 493 passed by D.C.L.R. Lakhisarai in which
the objection of the stranger/respondent no. 4, claim of
the petitioner has been stayed.*

*ii. To direct respondents state to declare the
name of the petitioner on the basis of report, and order
dated 27.6.14 Vide Letter No. 452 in rent fixation no.
26/14.*

*iii. To direct respondent state the claim of
the petitioner is intended from the record of the
certificate order 21 rule 95 dated 12.8.1947 passed by
Sub-Judge-1, Munger in mutation Case No. 34/1946 in*



the name of his grand father namely late Babu Badri Narayan Singh @ Babu Dunu Singh in Mouza Thana No. 16, Touzi No. 5750, Khata No. 641 C.S. Khesra No. 493 Area 0.82 demand. This land is still possession and title of the petitioner.

iv. To direct respondent state on the basis of order of Civil Court and report of the D.C.L.R. Lakhisarai dated 27.6.14 Vide Letter No. 452, of rent fixation no. 26/14 to first fixed the rent on the land in question which is stated above in the name of petitioner.

v. To direct respondent the claim of the respondent no. 4 null and void is on the basis of new genealogy and the claim of the petitioner is Justified by Sub-Judge-1, Munger as well as report of the D.C.J.R. in the context of genealogy of the petitioner.”

3. At the very outset, learned counsel for the State and the respondents raises preliminary objection to the effect that statutory alternative remedy is available to the petitioner by way of filing appeal under Section 8 of the Bihar Land Mutation Act, 2011 before the Collector or the Additional Collector of the District.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. Having regard to the facts and circumstances of the case, this writ application is disposed of, directing the petitioner to seek remedy before the competent authority in accordance with law.



6. 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 under Article 226 of the Constitution of India.

7. The writ application stands disposed of with the above direction.

(Prabhat Kumar Singh, J)

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