

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20159 of 2021

1. Dya Shankar Pandey Husband of Urmila Devi, Son of Yogeshwar Pandey Resident of Village - Sabikpur, Police Station - Lakhisarai, District- lakhisarai. At present reside at Mohalla - Bageshwari, Police Station - Delha, District- Gaya.
2. Kanhaiya Pandey Son of Late Sidheshwar Pandey @ Sidheshwar Nath Pandey Resident of Village - Virnama, Post Office and Police Station - Pakribarawan, District- Nawada At present reside at Village and Post Office - Gonawan, Police Station - Muffasil, District- Nawada.
3. Arun Kumar Kaushik Son of Late Shambhu Sharan Pandey Resident of Village - Rupo, Police Station - Rupo, District- Nawada, Naveen Nagar, Police Station - Nawada, District- Nawada.
4. Rama Shankar Vidyarthi Son of Late Bachchi Devi, Wife of Ravindra Kumar Pandey Resident of Village - Sarabhadi, Police Station - Manpur, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Officer cum Collector, Nawada.
3. The Deputy Collector Land Reforms, Nawada.
4. The Circle Officer, Nawada.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 14-12-2023

Heard learned counsel for the parties.

2. This writ petition has been filed for setting aside order dated 30.10.2019, passed in Mutation Case No. 685 of 2019-20 as well as orders dated 26.5.2019, passed in Case No. 4790 of 2018-19, order dated 30.10.2019, passed in Case No. 686 of 2019-20 and order dated 17.10.2018, passed in Case No. 2528 of 2018-10 (contained in annexure 4 series, 4/1,4/2,4/3 series, by which authorities have rejected applications filed by the petitioners for mutation/nomination of land in their name. Mutation appeal nos. 113, 116, 118 and 119 of 2021 have also been rejected vide orders dated 26.2.2021 and order of Circle officer, Nawada has been affirmed.



3. At the outset, learned counsel for the State raises preliminary objection and submits that these petitioners have statutory alternative remedy under section 8 of the Bihar Land Mutation Act, 2005 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.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Petitioners have statutory alternative remedy which



they can avail in accordance with law.

6. Petitioners shall be at liberty to seek remedy before the appropriate authority as may be available to them 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

8. This writ petition is accordingly disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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