

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.283 of 2019

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Sabana Khatoon Wife of Md. Baheram Ansari, Resident of Gogri, Ward
no.06,P.S.-Gogri, District-Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue and Land Reforms
2. The District Collector, Khagaria.
3. The Circle Officer, Gogri, District-Khagaria.
4. The Deputy Commissioner of Land Reforms, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjesh Prasad
For the Respondent/s : Mr.Raj Kishore Roy

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2023 Heard learned counsel for the parties.

2. This writ application has been filed to quash the order dated 12.11.2016 passed by the Circle Officer, Gogri (Respondent No. 3) in Mutation Case No. 1253 of 2016-17.

3. At the very outset, learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioner by way of filing appeal under Section 7 of the Bihar Land Mutation Act, 2011 against the order impugned which reads as:

“7. Appeal. - (1) An Appeal against the order of the Circle officer shall lie with the Land Reforms Deputy Collector within thirty (30) days from the date of the order appealed against.



(2) The Land Reforms Deputy Collector may condone the delay in filing appeals provided he is satisfied that there are sufficient reasons for the delay.

(3) The Land Reforms Deputy Collector shall not pass any order modifying, altering or setting aside the order appealed against unless the concerned parties concerned have been given a reasonable opportunity of being heard.

(4) The time limit for the disposal of a mutation appeal shall be thirty (30) working days from the date of the filing of the mutation appeal.”

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

5. There is no justification coming forth as to why this writ application should be maintained, despite having remedy of statutory appeal available to the petitioner against the order impugned.

6. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

7. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to her in accordance with law.

8. 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.

9. This writ petition stands disposed of with the aforesaid observation.

(Prabhat Kumar Singh, J)

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