

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5867 of 2018

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1. Rabindra Kumar Pandey, S/o Late Narvadeshwar Pandey @ Baban Pandey.
 2. Jitendra Kumar Pandey, S/o Late Narvadeshwar Pandey @ Baban Pandey.
 3. Kanti Devi, W/o Late Narvadeshwar Pandey @ Baban Pandey. All resident of Village- Ayear, P.S.- Ayear, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Collector, Bhojpur.
3. The Addl. Collector, Bhojpur, Aarah.
4. The Deputy Collector, Land Reforms, Sadar Aarah, Bhojpur.
5. The Circle Officer, Sahaar, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-08-2024

Heard Mr. Subhash Kumar Mishra, learned counsel for the petitioners and Mr. Dhurjati Kumar Prasad, learned counsel for the State.

2. During the pendency of the writ petition, the petitioner no.3 died on 21.02.2020. Since the legal heirs of petitioner no.3 has already arrayed as petitioners no.1 and 2 in the writ petition, there is no need of any substitution.

3. In the aforesaid premise, learned counsel for the petitioners seeks to expunge the name of petitioner no.3 from the writ petition. For the said purpose, I.A. No. 1 of 2024 has been filed.

4. In view thereof, I.A. No. 1 of 2024 stands allowed.



5. Let the name of petitioner no.3 be expunged from the writ petition.

C.W.J.C. No. 5867 of 2018

6. The petitioners by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, seek a direction upon the respondent authorities to ensure mutation of the land in the name of the petitioners pursuant to the order dated 22.04.2013 passed in Land Ceiling Case Nos. 3/78-79 and 1/82-83 by Deputy Collector Land Reforms, Sahar, Aarah. The aforesaid order has also been confirmed by the Additional Collector, Bhojpur, Aarah vide order dated 11.09.2013. Despite the application filed before the Circle Officer, Sahar, Bhojpur, when it has not been brought to its logical conclusion, the petitioners approached before this Court.

7. Learned counsel for the State straightway drew the attention of this Court to the averments made in the counter affidavit, especially in para-5 thereof and submitted that on receipt of the copy of the writ petition, the Circle Officer, Sahar verified its official record, however, no application was found pending for mutation filed by the petitioners. It is further contended that two mutation applications giving rise to Mutation Case No. 308 R 27/2020-21/Sahar and Mutation Case No. 306 R 27/2020-21/Sahar were filed by petitioners no. 1 and



2, but both the applications came to be dismissed in view of the reasons assigned therein vide orders dated 27.02.2022 and 01.10.2021, respectively.

8. Adverting to the aforesaid facts, learned counsel for the State, thus submitted that if the petitioners have still any grievance, they have remedy to assail the order(s) before the DCLR under Section 7 of the Bihar Land Mutation Act, 2011. There is further provision of revision under Section 8 and subsequent thereto, the Bihar Land Tribunal is the remedy. In such circumstances, filing of the present writ petition is misconceived and not maintainable on account of a statutory alternative remedy.

9. This Court finds substance in the submission of learned counsel for the State and found no merit in the writ petition. However, for the ends of justice, the writ petition stands disposed of with a liberty to the petitioners to avail the remedy of appeal under Section 7 of the Bihar Land Mutation Act, 2011, if not satisfied with the order passed by the Circle Officer, Sahar, Bhojpur.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-08-2024
Transmission Date	

