

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3365 of 2018

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1. Ram Krishna Pathak and Anr Son of Late Satyadeo Narayan Pathak @ Satyadeo Pathak, Resident of Mohalla- Ramna, P.S.- Sherghati, District- Gaya.
 2. Shyam Sunder Pathak, son of Late Satyadeo Narayan Pathak @ Satyadeo Pathak, Resident of Mohalla- Ramna, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Secretary, Land and Revenue Department Bihar, Patna
2. The Collector, Gaya.
3. The Deputy Collector, of Land Reform, Sherghati Gaya.
4. The Circle Officer, Sherghati, Gaya.
5. Kunj Bihari Lal, Son of Ram Jatan Prasad, Resident of Mohalla- Ramuna, P.S.- Sherghati, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Raj Kishore Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 10-12-2024

On 11.11.2024, the following order was passed:-

*None appears for the
petitioner.*

*2. Learned counsel for the
State submits that petitioner has not
approached the appropriate
authority/forum against the order
dated 21.10.2016 passed by DCLR,
Sherghati, Gaya before rushing to this
Court. Learned counsel, however,
seeks four week's time to file counter
affidavit.*

*3.As prayed for, re-list this
matter on 09.12.2024.*



4. It is made clear that if petitioner fails to appear on the next date of hearing, the matter would be decided with the available records for the reasons that the present matter is pending consideration for the last about six years.

2. Today also none appears for the petitioner.

3. In the instant petition, the petitioner has prayed for the following relief(s):-

“For issuance of appropriate writ/writ(s)/order(s)/direction(s) for quashing the order dated 21.10.2016 passed by the learned Deputy Collector of Land Reforms, Sherghati, Gaya in Mutation Appeal No 59/2014-15 whereby and where under he has been pleased to hold that the order passed by the circle officer, Sherghati in Mutation Case No 209/2007-08 is erroneous and as such has been pleased to set aside the same and further has been pleased to direct the circle officer, Sherghati to cancel the Zamabandi created in the name of petitioners and to record the same in the name of Satya Narayan Temple, Ramuna Sherghati and to demarcate the same and has further been pleased to hold that the appellant (Private Respondent) since he belong to the family of the donor therefore they may make/constitute a committee and are free to manage the affairs of the temple at their ends and further for any other relief(s) for



which the petitioner may found entitled to.”

3. Learned counsel for the State submits that though there is an efficacious remedy available for the petitioner in the form of revision but he has not availed the said opportunity and has rushed to this Court against the order dated 21.10.2016 passed by the learned Deputy Collector of Land Reforms, Sherghati, Gaya in Mutation Appeal No 59/2014-15.

4. In the light of the aforesaid facts and circumstances of the present case, the instant writ petition stands disposed of with liberty to the petitioner to avail the appropriate remedy available under the law against the order of Mutation Appeal No. 59/2014-15.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.12.2024.
Transmission Date	N/A

