

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10542 of 2018

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Upendra Singh Son of Late Ram Lakhan Singh, Resident of Village- Bihari Bigha, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, District- Jamui.
3. The Deputy Collector, Land Reforms, District- Jamui.
4. The Circle Officer, Anchal Sikandara, District- Jamui.
5. The Anchal Karamchari, Anchal Sikandra, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr. Raj Kishore Roy -Gp18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-01-2024 Heard learned counsel for the parties.

2. This writ application has filed for issuance of direction to the respondents to create the Jamabandi in Khata No. 14, Khesra No. 19, Area 2.47 decimals and Khata No. 5, Khesra No. 18 , area 38 decimal of lands of Mauza Chahbela, Sikandara , District- Jamui forthweth .

3. At the outset, learned counsel for the State appears and raises preliminary objection to the effect that an alternative remedy is available to the petitioner by way of filing an appeal before the Deputy Collector, Land Reforms under Section 7 of Bihar Land Mutation Act, 2011 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. Taking into consideration the aforesaid facts of the case, this writ petition is disposed of with liberty to the petitioner to file an appeal before the Deputy Collector, Land Reforms, Jamui, i.e (respondent No. 3) along with all the relevant documents in support of the claim, within a period of six weeks from the date of receipt of this order.

6. In the event, such appeal is filed before the Deputy Collector, Land Reforms, Jamui, (respondent No. 3), the same shall be disposed of in accordance with law after hearing all the parties preferably within a period of six months from the date of receipt/filing of the appeal.

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 petitioner was pursuing the issue before this Court.

(Prabhat Kumar Singh, J)

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