

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.239 of 2019

-
1. Jamuna Devi and Anr Wife of Late Mahavir Singh,
 2. Manish Kumar Singh, Son of Late Mahavir Singh, Both Residents of Village- Mohanpur Karja, P.S.- Barhara, District- Bhojpur at present residing at Hari Jee Ka Hata, P.S.- Ara Nawada, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, District Bhojpur, Bihar.
3. The Deputy Collector, Land Reforms, Sadar Ara, District Bhojpur, Bihar.
4. The Circle Officer, Ara Sadar, District- Ara, Bihar.
5. Kanti Singh, Daughter of Late Laxman Singh, Resident of Village- Mohanpur, Karja, P.S.- Barhara, District- Bhojpur, Bihar.
6. Mithilesh Kumar Singh,
7. Nagendra Mohan Singh, Both Sons of Late Madhusudan Singh,
8. Sunil Singh, Son of Late Mahavir Singh, All resident of Village- Mohanpur Karja, P.S.- Barhara, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, G.P.-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2024 Heard Mr. Prabhat Ranjan, learned Counsel for the
petitioner and Mr. Dhurjati Kumar Prasad, learned G.P.-14

2. The present petition has been preferred for:

*quashing of the order dated 30.06.2018
in Mutation Appeal Case No. 621/2017-18 (Kanti
Singh Vrs. Mithilesh Kumar Singh and others)
passed by the Deputy Collector, Land Reforms,
whereunder exceeding the jurisdiction vested under*



the Act, and without hearing all the necessary parties, the issue of disputed paternity / adoption has been framed and decided by the Respondent no. 4 and the Mutation in favour of the petitioners vide Mutation Case No. 2179/2017-18 dated 11.09.2017 has been cancelled.

3. Mr. Prabhat Ranjan, learned Counsel for the petitioner submits that a bare perusal of the different paragraphs of the writ petition would show that without any notice, the order in question was passed by the authority and as such, he straightway moved this Court.

4. Mr. Dhurjati Kumar Prasad, learned G.P.-14 on the basis of counter affidavit filed on behalf of the respondent nos. 2 to 4 has taken this Court to paragraph-6 of the counter affidavit which read as follows:-

“6. That it is stated that there is statutory provision to file revision under section 8 of the Bihar Land Mutation Act, 2011 before Additional Collector, against the order of Deputy Collector, Land Reforms but petitioner has not availed the statutory provision and without exhausting statutory remedy petitioner have directly filed this writ application which is not maintainable and same is fit to be dismissed.”

5. The revisional authority is/are also intelligent



enough to take note of the averment made by the learned Counsel for the petitioner that no notice was issued before the order was passed.

6. In that background, it would be appropriate that the petitioner approach the concerned revisional authority. It has to be further taken note of the fact that for five years, the petitioner was pursuing the matter before this Court.

7. If the petitioner approaches the revisional authority within four weeks from today, the delay has to be condoned. The authorities concerned shall pass an appropriate order after issuing notice to the concerned parties and looking into the documents on record within a period of six months from the date the petitioner is filed.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

Neha/-

U			
---	--	--	--

