

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5583 of 2016

Radheshyam Choudhary son of Late Ugra Mohan Choudhary, Resident of village- Chilmil, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector-cum-District Magistrate, Banka
3. The Deputy Collector of Land Reforms D.C.L.R., Banka
4. The Circle Officer, Barahat Circle, Barahat, District- Banka
5. Mahendra Prasad, son of Not known to the petitioner. the then Circle Officer, Barahat Circle, Barahat, District- Banka
6. Awdhesh Poddar, son of not known to the petitioner, Revenue Karmchari at present posted at Son diha Panchyat, Halka No.- 1, 4 and 5 under Circle Office, Barahat, District- Banka
7. Dhananjay Rai @ Ghamshyam Rai, son of Raghu Rai
8. Kiran Kumari D/O of Late Raghu Rai, both resident of village- Lagra, P.S.- Barahat, District- Banka
9. Samwati Devi, Wife of Late Bisho Rai, D/o Late Atkutri Devi, Resident of village- Nayadih, P.S.- Barahat, District- Banka
10. Arun Kumar Choudhary, Son of Bishwanath Choudhary, wife of Late Neelam Devi, Resident of village- Barahat, P.S.- Barahat, District- Banka
11. Neelam Devi, wife of Chhedan Rajak, Resident of village- Barahat, P.S.- Barahat, District- Banka
12. Gyan Prakash Choudhary
13. Amrendra Choudhary
14. Manoj Kumar Choudhary, All sons of Vishwanath Choudhary, Resident of village- Barahat, P.S.- Barahat, District- Banka
15. Dhaneshwari Devi, wife of Bhim Chandra, Resident of village- Kaitka, P.S.- Barahat, District- Banka

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
		Mr. Rajiv Kumar Singh, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar, AC to AAG 9

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-01-2024

I. A. No. 8962 of 2016

This interlocutory application i.e., I.A. No. 8962 of



2016 has been filed for substitution of sole petitioner who died on 23.09.2016 during the pendency of this case, leaving behind his legal heirs/representatives, mentioned in paragraph 1 of the interlocutory application as:

- “i) Most Mundrika Devi
- ii) Rajeev Kumar Choudhary
- iii) Sanjeev Kumar Choudhary”

2. Considering the averments made in the I. A. No. 8962 of 2016, the same is allowed and name of the present sole petitioner is substituted with his legal heirs/representatives, as mentioned in paragraph 1 of the interlocutory application, as petitioners in CWJC No. 5583 of 2016.

CWJC No. 5583 of 2016

3. Heard learned counsel for the parties.

4. This writ application has been filed for quashing Jamabandi No. 29 which has been created on the basis of Mutation Case No. 3268/2013-14, 3847/13-14, 4297/13-14 and 156/14-15 of Khata No. 52, Khesra No. 74 (Annexure-7 Series) by the Circle Officer, Barahat.

5. Learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioners 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.”

6. Learned counsel for the petitioners does not dispute the above proposition.

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

8. Taking into consideration the aforesaid facts of the case, this writ petition is disposed of with liberty to the petitioners to file an appeal before the Deputy Collector, Land Reforms, Banka (respondent No. 3) along with all the relevant documents in support of the claim, within a period of six weeks



from today.

9. In the event, such appeal is filed before the Deputy Collector, Land Reforms, Banka (respondent No. 3) within the stipulated time period, 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.

10. 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

11. Writ petition is disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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