

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8320 of 2016

1. Smt. Anuradha Devi wife of Late Ganesh Singh S/o Late Kapildeo Singh
2. Suresh Singh s/o Late Ganesh Singh, btoh Resident of village and P.O.
Bihat, Tola Ibrahimpur, P.S. Barauni, District - Begusarai ... Petitioner
Versus

1. The State Of Bihar
2. The Anchal Adhikari Barauni District Begusarai
3. Bipin Singh S/o Sri Chandra Shekhar Singh
4. Praveen Kumar Singh S/o Sri Chandra Shekhar Singh
5. Chandra Shekhar Singh
6. Chandrachoor Singh Both are Sons of Late Ramautar Singh All are Residents of village and P.O. Bihat, Tola Ibrahimpur, P.S. Barauni, District - Begusarai ... Respondents

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Singh, Advocate
For the Respondent/s : Ms/Mrs. Mala Ambastha, AC GP 1.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2024 By filing the present I.A.2957/2018, learned counsel for the petitioner seeks substitution of legal heirs/representatives of sole petitioner who died on 10.12.2017 leaving behind his legal heirs mentioned in paragraph 4 of the I.A.

2. Let the office substitute names of legal heirs/representatives of the original petitioner, duly mentioned in paragraph 4 of the I.A.

3. I.A. No.2957/2018 stands allowed.

Heard learned counsel for the petitioner and the State.

2.Writ petition has been filed for quashing order dated 8.8.2022, passed by the Deputy Collector Land Reforms (DCLR), Muzaffarpur East in Mutation Appeal No.67 of 2021.

3. Learned counsel for the State submits that the petitioner has got remedy of revision before the Collector/Additional Collector against order of the DCLR under



section 7 of the Bihar Land Mutation Act, 2011 which enumerates that “*an application for revision may be filed before the Collector/Additional Collector of the District by any person aggrieved by any order of the Land Reforms Deputy Collector within 30 days from the date of such order,*” as such, without exhausting the remedy of revision, no writ shall lie.

4. It is well settled that the writ court is not the remedy of the first instance where others exist. It is the remedy of last resort. If the legislature, in its wisdom, provides an extensive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that mandate.

5. In view of the above settled law, let the petitioner take resort to alternative remedy of filing revision application before the Additional Collector against order dated 8.8.2022, passed by the DCLR, Muzaffarpur East in Mutation Appeal No.67 of 2021.

6. In case, such revision is filed, while considering application for limitation, the authority concerned shall take into consideration the period for which the matter in issue was being pursued before this Court.

7. Writ petition stands disposed of with the aforesaid observation.

(Prabhat Kumar Singh, J)

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