

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10204 of 2021

1. Anil Prasad Akhauri @ Anil Kumar Akhauri Son of Late Baumali Prasad Akhauri Resident of Mouja and Post Office- Narainapur, Police Station- Bagaha, Now P.S.- Path Khawli (O.P.), District- West Champaran.
2. Sunil Prasad Akhauri Son of Late Baumali Prasad Akhauri Resident of Mouja and Post Office- Narainapur, Police Station- Bagaha, Now P.S.- Path Khawli (O.P.), District- West Champaran.
3. Ajay Kumar Akhauri Son of Late Baumali Prasad Akhauri, Resident of Mouja and Post Office- Narainapur, Police Station- Bagaha, Now P.S.- Path Khawli (O.P.), District- West Champaran.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Bettiha, District West Champaran.
3. The Additional Collector, Bettiah, District West Champaran.
4. The Deputy Collector Land Reforms, Bagaha, District- West Champaran.
5. The Anchal Adhikari, Bagaha- 2, District West Champaran.
6. The Union of India. x

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-01-2024 Heard learned counsel for the petitioners and the State.

2. Writ petition has been filed for quashing the common order dated 27.01.2020 passed by the Collector, Bettiah, in Case No. R.M. 18/2019-20 along with case No. RM14/2019-20 case No. RM 17/2019-20 and Case No. RM19/2019-20 as contained in Annexure-4 affirming the order dated 04.06.2019 passed by the Additional Collector, Bettiah, West Champaran, in Jamabandi cancellation Case No. 74 of 2015-16, contained in Annexure-3, whereby the Jamabandi standing in favour of the Petitioners has been cancelled.

3. Learned counsel for the State submits that the petitioners have got statutory alternative remedy of revision before the Divisional Commissioner under section 9(7)(c) the



Bihar Land Mutation Act, 2011, as such, without exhausting the remedy of revision, no writ shall lie.

Section 9(7)(c) of the Act reads as follows:-

“The Divisional Commissioner may on an application made to him on this behalf or for the purposes of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by an officer or authority, call for and examine the records of any case pending before or disposed of by such officer or authority and pass such order as he deems fit”.

4. The learned counsel for the petitioners does not dispute the proposition made on behalf of the state.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Let the petitioners move before the appropriate authority within a period of 6 weeks from today. In the event, such application is filed, the appropriate authority shall dispose of the same in accordance with law after hearing the parties preferably within a period of six months thereof.

6. It goes without saying that if any question of limitation arises before the appropriate authority, the same shall be considered, taking into consideration the fact that the petitioners were pursuing the issue before this Court.

7. Writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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