

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8502 of 2016

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Ram Chalitra Singh son of late Methuri Rai Resident of village - Afjalpur
Purnea, P.S. Patepur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Vaishali at Hajipur.
3. Deputy Collector, Land Reforms, Mahua, District - Vaishali.
4. Anchal Adhikari, Patepur Anchal, District - Vaishali.
5. Pawan Devi wife of Bachcha Singh
6. Suryadeo Singh son of late Devendra Prasad Singh Both residents of village
- Afjalpur Purnea, P.O. and P.S. Patepur, District - Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Respondent/s : Mr.Gp18- Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-02-2024 This writ petition has been filed for quashing the

order dated 01.01.2016 passed by Respondent No. 3 / Deputy

Collector Land Reforms, Mahua, District Vaishali in Mutation

Appeal No. 137 of 2014-15, as contained in Annexure – 4.

2. At the outset, learned counsel for the State raises
preliminary objection on the maintainability of the writ petition
and submits that against the order passed by the D.C.L.R. in
aforesaid mutation appeal, under Section 8 of the Bihar Land
Mutation Act, 2011, the petitioner has got remedy to file
revision before the Collector / Additional Collector. Section 8 of
the Bihar Land Mutation Act, 2011 reads as under:



“8. Revision. - (1) The Collector/ Additional Collector of the district under this Act may, on an application made to him on this behalf or for the purpose of satisfying himself as to the legality or propriety of any order made under this Act or the rules made thereunder by any 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.

(2) 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.

(3) The Collector/Additional Collector may condone the delay in filing the application for revision against an order provided he is satisfied that there are sufficient reasons for the delay.

(4) The Collector/Additional Collector shall not pass any order modifying, altering or setting aside an order of any authority or officer unless the concerned parties have been given a reasonable opportunity of being heard.

(5) The time limit for the disposal of a mutation revision application shall be thirty (30) working days from the date of receipt of the application for revision.”

3. Learned counsel for the petitioner does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioner to move before the Collector / Additional Collector for proper adjudication of the matter.



4. In view of the aforesaid submission, this writ petition is disposed of with liberty, as indicated above.

5. 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 under Article 226 of the Constitution of India.

6. Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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