

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10423 of 2024

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Kiran Devi Wife of Ajay Kumar Singh @ Ajay Singh resident of Bangali Road, Mitahapur, P.S. - Jakkanpur, P.O. G.P.O., Patna, District- Patna-800001, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
3. The District Magistrate-cum-Collector, Patna
4. The Additional Collector, Patna
5. The Land Reforms Deputy Collector, Patna Sadar
6. The Circle Officer, Phulwari Shariff, District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha, Advocate
For the Respondent/s : Ms. Shobha Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 18-07-2024

Heard Mr. Pratik Kumar Sinha, learned Advocate for the petitioner and Ms. Shobha Choubey, learned Government Advocate

2. The petitioner is aggrieved by the order of the Circle Officer, Phulwari Shariff, Patna passed in Mutation Case No. 6152 of 2022-23, whereby and whereunder the petitioner's claim seeking mutation of her name in the revenue record in connection with the land situated in village-Sakriacha, Thana No. 75 having Khata No. 38, Plot No. 1939, Area-0.38574 dec;



Khata No.61, Plot No. 1937, Area-0.92188 dec & Khata No. 13, Plot No. 1945, Area- 0.92211 dec., which has been purchased through a registered sale deed no. 8024 dated 31.05.2022 has been rejected.

3. Aggrieved, the petitioner preferred appeal before the LRDC, Patna Sadar, Patna under Section 7 of the Bihar Land Mutation Act, 2011 which also stood rejected by a cryptic order without appreciating the facts that there is a long standing *jamabandi* in favour of the vendor of the petitioner, is the contention of the petitioner.

4. Learned Advocate for the petitioner urged that refusal of mutation of the land in his favour amounts to cancellation of *jamabandi* of his vendor, which was coming since long. It is also the contention of the petitioner that at no point of time, either the copy of the enquiry report has been submitted or the petitioner has been given any opportunity of hearing before negating her claim.

5. Per contra, learned Advocate for the State submits that the petitioner has efficacious statutory remedy provided under Section 8 of the Bihar Land Mutation Act, 2011 for revision. The Collector is the revisional authority, who can look into all the submissions of the petitioner, as has been raised



before this Court.

6. Considering the rival contentions and taking note of the expeditious expedient statutory remedy, this Court disposes the present writ petition with a liberty to the petitioner to file proper application as provided under Section 8 of the Bihar Land Mutation Act, 2011.

7. Suffice it to observe that issue of facts must be raised and conclusively decided by statutory authorities at first instance and the power of judicial review of High Court under Article 226 of the Constitution of India may be invoked thereafter.

8. The writ petition stands disposed of with the liberty to the petitioner to approach before the statutory authority against the order(s) impugned. This Court further observe that if the petitioner approaches before the revisional authority, the application/revision shall be considered and disposed of expeditiously.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024.
Transmission Date	NA

