

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13573 of 2024

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Jitendra Kumar Bhelloriya, S/o- Late Ran Vijay Singh, Permanent resident of village- Pananiya, P.S.- Guraru, District- Gaya, Bihar also at B-62, Flat No. 6, Gali No. 6, Mandawali Unchepar, Delhi- 110092.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land and Revenue Dept. Govt. of Bihar, Patna.
2. Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
3. District Magistrate, Gaya, Bihar.
4. Additional Collector, Gaya.
5. Sub-Divisional Magistrate, Tekari, Gaya, Bihar.
6. Deputy Collector Land Reform, subdivision- Tekari, Gaya, Bihar.
7. Circle Officer, Guraru, Gaya, Bihar.
8. Anchal Ameen, Anchal- Guraru, Gaya, Bihar.
9. S.H.O., P.S.- Guraru, Gaya, Bihar.
10. Ramchandra Das S/o- Bigan Chamar, Resident of village- Mathurapur, P.S.- Guraru, District- Gaya, Bihar.
11. Phulchand Das S/o- Bigan Chamar Resident of village- Mathurapur, P.S.- Guraru, District- Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-09-2024 Heard Mr. Sanjeev Kumar, learned counsel for the petitioner and learned counsel for the State.

2. By filing the present writ petition, the petitioner sought quashing of the order dated 01.11.2023 passed by the Circle Officer, Guraru, Gaya in Mutation Case No. 2432-R27/2022-23/GURARU. He also sought a direction upon



respondents no. 2 to 9 to remove the private respondents who are trying to make illegal encroachment over his raiyati land after making proper measurement of his premises.

3. At the outset, learned counsel for the petitioner submitted that the petitioner had purchased the land in question admesuring 5.5 decimal from Shamin Shah vide registered Sale Deed no. 2158 dated 28.01.2023. Despite the application filed by the petitioner for mutation of the land before respondent no.7, the same kept pending and finally it came to be rejected in a collusive manner. Various submissions have been made while assailing the impugned order.

4. Learned counsel for the State, at this juncture, submitted that the petitioner has statutory remedy of appeal before the Deputy Collector Land Reform under Section 7(1) of the Bihar Land Mutation Act, 2011.

5. Having heard the submissions advanced on behalf of the parties and considering the fact that the petitioner has statutory remedy of appeal, the writ petition stands disposed off with a liberty to the petitioner to prefer an appeal against the impugned order before respondent no.6, Deputy Collector Land Reform, Tekari, Gaya, and raised all the submissions as noted hereinabove.



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

7. If the petitioner files a proper memo of appeal before respondent no.6, preferably within a period of four weeks from today, the same shall be considered and disposed off by a reasoned and speaking order considering the submissions of the petitioner.

8. So far the other grievance of the petitioner is concerned, the petitioner may approach before respondent no.3, the District Magistrate, Gaya, who shall look into the matter.

(Harish Kumar, J)

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