

In The Court of Commissioner, Saran Division, Chapra

Mutation Revision No. 46/2016

**Baliram Ram
Vrs.
Ramesh Tiwari & Ors.
ORDER**

05.05.2016- The learned counsel for the petitioner in course of his argument on the point of maintainability of this case submitted that this case has been filed before this court against the impugned order passed by Addl. Collector, Gopalganj in Mutation Appeal Case No. 01/2010-11 on 24.01.2013. He further submitted that against the said impugned order the petitioner has actually approached the Hon'ble High Court by way of filing CWJC No. 7393 of 2013 but the said writ petition has been disposed of with an observation an direction to the petitioner to approach the revisional authority under the provisions of The Bihar Land Mutation Act – 2011 for grant of appropriate relief. He further argued that thus on the direction of the Hon'ble High Court, this revision petition has been filed as such the same may be admitted and disposed of on merit.

The learned G.P. on the other hand in his written opinion stated that as the impugned order has been passed by Addl. Collector, Gopalganj as an appellate authority, the petitioner instead of filing revision before Collector, Gopalganj preferred CWJC No. 7393/2013. He also submitted that the petitioner instead of complying with the direction of the Hon'ble High Court to file revision before the revisional authority, the petitioner chosen wrong forum by filing a revision petition before this court. As such the petitioner may be directed to file revision before Collector, Gopalganj with a further direction to condone the delay in filing the revision.

In view of the aforesaid position, this revision petition is disposed of with a direction to the petitioner to approach the learned Collector, Gopalganj by filing a fresh revision petition for seeking relief. It is also observed that the delay already caused in filing the revision petition may be condoned as observed by the Hon'ble High Court while disposing of CWJC No. 7393/2013 vide order dated 10.11.2015

Dictated and Corrected by me.

5.5.16
Commissioner,
Saran Division, Chapra

5-5-16
Commissioner,
Saran Division, Chapra