

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13853 of 2011

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1. Tunna Singh @ Santosh Kumar S/O Late Chandra Shekhar Prasad Singh, R/O Chamtha, Chhot Khut Dih, P.S.- Bachwara, Distt- Begusarai
 2. Chandra Shekhar Prasad Singh S/O Late Rameshwar Prasad Singh, R/O Vill.- Gauasa, P.S.- Barh, Distt.- Patna
 3. Upendra Prasad Singh S/O Late Rameshwar Prasad Singh, R/O Vill.- Gauasa, P.S.- Barh, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department Govt. of Bihar, Patna
2. The Collector, Begusarai District, Begusarai, Bihar
3. The Additional Collector, District- Begusarai, Bihar
4. The Deputy Collector, Land Reforms Teghra, Anchal at Teghra, Dsitt.- Begusarai
5. The Sub Divisional Officer, Teghra, Dsitt.- Begusarai
6. The Anchala Adhikari, Bachhawara, Blcok Bachhawara, Dsitt.- Begusarai
7. The Public Information Officer-Cum-Circle Officer, Bachhawara, Distt.- Begusarai
8. Darshan Mahto S/O Late Karu Mahto, R/O Vill.- Suryagarha, Modichakki, Ps.- Suryagarha, Dsitt.- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrignak Mauli
Mr. Sujay Kumar Sinha
Mr. Niranjana Singh

For the Respondent No.1 to 7 : Mr. Yogendra Kumar Singh, AC to SC-15

For the Respondent No.8 : Mr. Rajendra Kishore
Mr. Amitab Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 01-09-2015 After having heard the parties, this Court finds that against the impugned final order dated 30.07.2010 (Annexure-8) passed in Rent Fixation Case No. 6 of 2006-07 by the respondent Anchal Adhikari, Bachhawara, the petitioners have alternative and efficacious remedy before the appellate authority as also the revisional authority, but without exhausting the aforesaid alternative remedy, the present writ petition has been filed before this Court. In the considered opinion of this Court, the issues of

facts must be raised and conclusively decided by the statutory authorities and only thereafter power of judicial review under Article 226 of the Constitution of India may be invoked.

In above view of the matter, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the appellate forum for grant of appropriate relief with respect to the lands under dispute.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

If any appeal is filed on behalf of the petitioners within a period of three weeks from today with a certified copy of the present order and if it is found that the appeal has become barred by limitation and if any petition is filed for condonation of delay, then the learned appellate authority shall take into consideration that on a bonafide legal advice, the present writ petition was filed on 23.08.2011 and that remained pending before this Court till date. The parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands under dispute.

(Birendra Prasad Verma, J)

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