

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21999 of 2014

With
Interlocutory Application No.5692 of 2015

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Ram Dayal Yadav @ Ram Dayal Prasad, Son of Late Bhauchand Yadav
Resident of Mohalla - Chaitola, P.S. - Sultanganj, Distt. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, New Secretariat, Patna.
 2. Commissioner, Patna Division, Patna.
 3. Collector, Patna.
 4. D.C.L.R., Patna Sadar, Patna.
 5. Indu Devi, Wife of Late Tripurari Prasad, Resident of Ranighat, Mahendru, P.S. - Sultanganj, Distt. - Patna at present residing at Mohalla - Tekari Road, Gali No. - 6, Paschimi Gali, Pathar Ki Masjid, P.S. - Sultanganj, Distt. Patna.
 6. Basudeo Prasad Yadav
 7. Ganesh Yadav
 8. Shankar Yadav
- All Sons of Late Bangali Yadav, resident of Mohalla - Chaitola, P.S. - Sultanganj, Distt. - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar
For the Respondent nos.1to4	:	Mr. Gyan Prakash Ojha, GP-22 Mr.Sushil Kumar Singh, AC to GP-22
For the Respondent no.5	:	Mr.Shekhar Kumar Singh Mr.Pankaj Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 24-09-2015 Heard the parties.

The petitioner is essentially aggrieved by the order dated 04.04.2013 (Annexure-8) passed in Land Dispute Resolution Case No.74 of 2012-13 by the respondent D.C.L.R., Patna Sadar, whereby the aforesaid petition filed on behalf of the respondent no.5 under Section 4 of The Bihar Land Disputes Resolution Act, 2009 has been allowed with respect to the lands under dispute. The appeal preferred by the petitioner against the aforesaid order has been dismissed by an order dated 16.06.2015 by the

respondent Divisional Commissioner, Patna, which has been brought on record as Annexure-1 to the I.A.No.5692 of 2015.

In the considered opinion of this Court against the orders impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of the Bihar Land Tribunal Act, 2009.

At this stage, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid. The I.A.No.5692 of 2015 also stands, accordingly, disposed of.

If an appropriate petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order and, if it is found to have become barred by limitation and, if any petition is filed on behalf of the petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice the present writ petition was filed on 19.12.2014 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

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