

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14146 of 2011

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Moiz Mansoori, S/O Kamoo Mansoori, R/O Vill.- Agaiya, P.S.- Sanhaula,
Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector Bhagalpur
3. Anchal Adhikari Sanhaula, Distt.- Bhagalpur
4. Sheik Jabarak, S/O Late Suleman R/O Vill.- Rajoun, P.S- Belbadda,
Distt.- Godda, presently residing in Village- Agaiya, P.S.- Sanhaula, Distt.-
Bhagalpur
5. Sheik Jabbar S/O Late Suleman R/O Vill.- Rajoun, P.S- Belbadda,
Distt.- Godda, presently residing in Village- Agaiya, P.S.- Sanhaula, Distt.-
Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amiya Kunal
For the Respondent nos.1to3 : Mr. Rajesh Kumar, AC to GP-10
For the Respondent nos.4&5 : Mr.Mr.Najmul Hoda

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-09-2015 Heard the parties.

The petitioner is aggrieved by the order dated 10.01.2011 (Annexure-4) passed in Miscellaneous Appeal Case No. 122 of 2007-08 by the respondent District Collector, Bhagalpur in exercise of his powers under Section 21 of The Bihar Privileged Persons Homestead Tenancy Act, 1947.

In the considered opinion of this Court, 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.

In above view of the matter, 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).

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The order of status quo passed on 12.09.2011 by a Bench of this Court stands vacated.

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 before the learned Bihar Land Tribunal, Patna and, if it is found that it has become barred by limitation and, if any petition is filed on behalf of the petitioner for condonation of such delay, the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice the present writ petition was filed on 25.08.2011 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

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