

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1026 of 2015

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Chhutharu Mandal son of Late Bhairab Mandal, resident of village:-
Dhunha P.S.- Chamhariya, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through Collector of the District Madhepura.
2. The Circle Officer of Singheshwar, Distt. - Madhepura.
3. Ramcharitra Paswan S/o Late Sukhdeo Paswan, resident of village:-
Kanhua Godhiyari, P.S. - Gamhariya, District - Madhepura.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 13-07-2015 Heard the parties.

The petitioner has questioned various orders passed by the statutory authorities under the Bihar Privileged Persons Homestead Tenancy Act, 1947. The orders are assailable under the provisions underlying Section 9 of the Bihar Land Tribunal Act, 2009 (hereinafter referred to as 'the Act'). The petitioner thus has an alternative remedy available to him under the provisions of 'the Act' and he would be required to exhaust the same.

Mr. Dhananjay Kumar learned counsel submits that the provisions of Section 9 of 'the Act' provides for a limitation of 90 days since the passing of the order complained against and which

has since expired.

Considering that the writ petition was filed within 90 days of passing of the order impugned and considering the power of condonation vested in the tribunal under Section 14 of 'the Act', the writ petition is disposed of with liberty to the petitioner to exhaust the remedy available to him under 'the Act' and any such application being filed by the petitioner within four weeks from today accompanied with a prayer for condonation, shall be considered and disposed of by the Tribunal on its own merit bearing in mind the pendency of the issue before this Court.

S.Sb/-

(Jyoti Saran, J)

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