

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19466 of 2011

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1. Sk. Ansul So Sk. Muslim, Resident of Village-Makhadampur, Tola-Phulpur, P.S.-Chausa, Distt.-Madhepura.
 2. Nabina Khatoon W/O Sk. Ansul, Resident of Village-Makhadampur, Tola-Phulpur, P.S.-Chausa, Distt.-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate and Collector of the District, Madhepura.
3. Anchaladhikari, Anchal-Purani, Sub-Division-Udakishunganj, Distt.-Madhepura.
4. Sk. Jahagir S/O Sk. Bhola, Resident of Village-Makhadampur, Tola-Phulpur, P.S.-Chausa, Distt.-Madhepura.
5. Sk. Idrish Son of Sk. Bhola, Resident of Village-Makhadampur, Tola-Phulpur, P.S.-Chausa, Distt.-Madhepura.
6. Sk. Salim Son of Sk. Bhola, Resident of Village-Makhadampur, Tola-Phulpur, P.S.-Chausa, Distt.-Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh

For the Respondent/s : Mr. Ravi Bhardwaj, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 07-09-2015 Heard the parties.

The petitioners are aggrieved by the order dated 01.08.2011 (Annexure-4) passed in Basgit Case No. 12 of 2006 by the respondent District Collector, Madhepura 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 petitioners have 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 petitioners 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The writ petition stands disposed of as withdrawn with the liberty aforesaid.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 22.11.2011 by a Bench of this Court stands vacated.

If an appropriate petition is filed on behalf of the petitioners 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 petitioners 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 08.11.2011 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

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