

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22346 of 2011

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Jibachh Rai S/O Paltan Rai, Resident of Village- Kherbi, P.S- Khanpur,
Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Samastipur.
4. The Deputy Collector, Land Reforms, Samastipur.
5. Ram Lakhan Rai S/O Late Lalo Rai, Resident of Village- Bhore Shahpur, P.O- Bhore-Jairam, P.S- Khanpur, Distt- Samastipur.
6. Jibachh Jha S/O Late Tripati Jha, Resident of Village- Shahpur, P.O- Bhore Jairam, P.S- Khanpur, Distt- Samastipur
7. Satya Narayan Jha S/O Sonelal Jha, Resident of Village- Shahpur, P.O- Bhore Jairam, P.S- Khanpur, Distt- Samastipur
8. Smt. Chandra Kala Devi W/O Ramashraya Rai, Resident of Village- Shahpur, P.O- Bhore Jairam, P.S- Khanpur, Distt- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent No.5 : Mr. Prashant Vedasen

Mr. Subhash Chandra Bose

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-09-2015

Heard the parties.

The petitioner is aggrieved by the order dated 27.07.2011 (Annexure-6) passed in Board's Case No. 22 of 2005 by the respondent Additional Member, Board of Revenue, Bihar, Patna, whereby the aforesaid revision application filed on behalf of the respondent no.5 under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been allowed and the order passed by the appellate authority has been set aside.

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) with respect to the lands in question.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law with respect to the lands in question, which may be available to them, before the learned Bihar Land Tribunal, Patna.

If any appropriate petition is filed on behalf of the petitioner before the learned Bihar Land Tribunal, Patna within a period of one month from today with a certified copy of the present order, 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, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advise, the present petition was filed before this Court on 14.12.2011 and that remained pending till date.

(Birendra Prasad Verma, J)

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