

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18834 of 2011

=====

Brahmdeo Sah son of Late Damodar Sah, resident of Village - Dumrail,
Police Station - Puraini, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector-Cum-District Magistrate, Madhepura
3. The Circle Officer, Puraini, District - Madhepura
4. Ram Bilash Pandit son of Late Ishwar Pandit, resident of Village -
Dumrai, Police Station - Chausa (Puraini), District - Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Respondent/s : None

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-09-2015 Heard learned counsel appearing on behalf of the
petitioner. None appears on behalf of the respondents.

The petitioner is aggrieved by order dated 27.07.2011
(Annexure-4) passed in Misc. (Basgit Parcha) Case No. 2 of 2002
by the 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 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The writ petition stands dismissed as withdrawn with the liberty aforesaid.

If an appropriate petition is filed on behalf of the petitioner within a period of six weeks 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 bona fide legal advice the present writ petition was filed on 20.10.2011 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--