

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9777 of 2010

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1. Sishir Sinha, S/O Sardindu Narayan Sinha, R/O Village Bhawadeopur,
P.S. Riga, District- Sitamarhi.
2. Prasoon Sinha, S/O Late Bimalendu Narayan Sinha, R/O Village
Bhawadeopur, P.S. Riga, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Sitamarhi.
2. The Joint Director, Consolidation, Muzaffarpur.
3. The Dy. Director, Consolidation, Sitamarhi.
4. Shiv Shankar Paswan, S/O Late Ramnandan Paswan,
R/O Village Bhawadeopur, P.S. Riga, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shishir Kumar, Advocate
Mr. Prabhat Kumar, Advocate
Mr. Dilip Kumar, Advocate

For the Respondent Nos. 1 to 3 : Mr. Madanjeet Kumar, AC to SC 22

For the Respondent No.4 : Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 21-08-2015

Heard the parties.

2. The petitioners are aggrieved by order dated 25.01.2010 (Annexure-7) passed in Consolidation Revision Case No. 05 of 2009 by the respondent Joint Director, Consolidation, Muzaffarpur whereby the matter has been remitted back to the Deputy Director, Consolidation, Sitamarhi with certain observations and directions.

3. On the very threshold, learned counsel appearing on behalf of the respondent no.4 raises his objection regarding maintainability of the present writ petition on the ground that the petitioners have an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 (IV) of the Bihar Land Tribunal Act, 2009. It is contended by him that all the issues which are being raised

here can be raised before the learned Tribunal.

4. The submissions of learned counsel appearing on behalf of the respondent no.4 are accepted.

5. In above view of the matter, the writ petition stands disposed of with a liberty to the petitioners to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s). If any petition is filed on behalf of the petitioners within a period of four weeks from today and it is found that it has become barred by limitation and if a petition is filed for condonation of such delay, then the learned Tribunal shall take into consideration that on a bona fide legal advice, the writ petition was filed on 28.06.2010 and that remained pending till date before this Court.

6. For a period of four weeks, the status quo, as obtaining today, with respect to the land in question shall be maintained by the parties.

7. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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