

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14859 of 2012

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1. Yogendra Yadav Son of Late Biranchi Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 2. Shambhu Sharan Yadav Son of Late Birenchi Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 3. Binda Devi Wife of Tarani Prasad Yadav, Daughter of Late Biranchi Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 4. Premlata Devi Wife of Sachidanand Yadav, Daughter of Late Biranchi Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 5. Gorelal Yadav Son of Late Hiya Lal Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhagalpur, District- Bhagalpur
2. The Settlement Officer/Charge Officer, Bhagalpur, District- Bhagalpur
3. The Revenue Officer, Anchal Gopalpur, District- Bhagalpur
4. Sevalal Yadav Son of Sarjug Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
5. Huro Lal Yadav Son of Sarjug Yadav, Resident of Village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Nandan Prasad Singh, Adv.
Mr. Ashok Kumar Yadav
For the Respondent No.1 to 3 : Mr. Madhuresh Prasad, GP- 12
For the Respondent No. 4 & 5 : Mr. Vishwanath Pd. Sinha, Sr. Adv.
Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 06-10-2015 After some argument, learned counsel appearing on behalf of the petitioners, in presence of the learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to avail of the alternative remedy of appeal available to them under Section 109A of The Bihar Tenancy Act, 1885 (in short 'B.T. Act') for grant of appropriate relief(s) with respect to the lands under dispute.

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The writ petition stands disposed of as withdrawn with the liberty aforesaid.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, which may be available to them, with respect to the lands under dispute before the appellate authority.

If an appropriate appeal is filed on behalf of the petitioners under Section 109A of the B.T. Act, within a period of two months 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 petitioners for condonation of such delay, then the learned appellate authority shall take into consideration that on a bonafide legal advice, the present writ petition was filed before this Court on 13.08.2012 and that remained pending till date.

(Birendra Prasad Verma, J)

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