

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1505 of 2015

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Md. Alamgir, son of Sk. Umer Ali, resident of Sabooter Bithnauli East,
P.S.- K. Nagar, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Purnea.
2. The Additional Collector, Incharge, Purnea.
3. The Deputy Collector, Land Reforms, Sadar, Purnea.
4. Bhanu Bhaskar Chaudhary, son of Late Krishna Murari Chaudhary,
resident of Parora, P.S.- K. Nagar, at present residing at Sri Nagar Road,
P.s. & P.O. Purnea, District- Purnea.
5. Md. Sahbaj Alam, son of Md. Samsud Hoda.
6. Md. Sahid Raja, son of Md. Samsud Hoda.
7. Md. Salik Raja, son of M. Samsud Hoda.

All are resident of Sabooter Bithnauli East, P.S.- K. Nagar, District-
Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the State : Mr. Manis Kumar Sinha, A.C. to S.C.30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

2 27-01-2015

The petitioner is aggrieved by the order dated

10.1.2014 passed by the D.C.L.R., Purnea Sadar in Bataidari

Case No.128/77/2012 which was initiated at the instance of

the petitioner under Section 48E of the Bihar Tenancy Act,

1885. By the impugned order, his claim has been rejected.

Learned counsel for the State submits that the
petitioner has approached this Court without exhausting the
alternative remedy which has been provided before the Land
Tribunal under the Bihar Land Tribunal Act, 2009. He points
out Section 9(i) which provides a remedy before the tribunal



against any final order which has been passed by the authority provided no forum of appellate or revision against the order passed is available in the concerned Act. Learned counsel has categorically stated that the order passed under Section 48 Sub Section (i) or (ii) either rejecting or initiating the proceeding is not appealable before any authority, thus, in such case, the remedy would definitely lie under Section 9 of the Act. He further submits that the petitioner may also approach the tribunal under Section 14 of the Act as under such provision it is competent to call for and examine the records of proceedings disposed off by an original, appellate or revisional authority acting under the statutes covered by the Act. He further points out that Bihar Tenancy Act, 1885 stands included in the concerned schedule of the Act.

In response to the aforesaid limb of argument advanced on behalf of the State, learned counsel for the petitioner now seeks liberty to move before the Bihar Land Tribunal.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the appropriate forum which would be available to him under law. In such case, the forum should consider the

case of the petitioner and take a decision on its own merit
and in accordance with law but not before granting
opportunity to all the parties concerned.

(Dr. Ravi Ranjan, J)

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