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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1607 of 2013

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Inderdeo Rai son of Late Bandhu Rai, resident of village Lal Pokhar Dighi, P.S.Sadar, Hajipur, District Vaishali (Hajipur)

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Vaishali (Hajipur)
3. The Director, Consolidation, Bihar, Patna
4. The Dy.Director, Consolidation, Vaishali at Hajipur
5. The Circle Officer, Block Hajipur, District Vaishali
6. Jangi Rai son of Late Hari Dayal Rai
7. Ram Ekwal Rai son of Late Hari Dayal Rai
8. **Pyare Rai son of Late Bhulotan Rai (expunged vide order dated 03.04.2014 and substituted by his heirs and legal representatives)**

8(a) Dr.Dashrath Rai
8(b) Jawahar Rai
8(c) Hemant Kumar
9. Brahmanand Rai
10. Ramesh Chandra Rai
11. Banke Rai
12. Dinesh Rai
    Respondent nos. 9 to 12 are sons of Late Jugal Rai
13. Panchu Rai son of Late Kali Rai
    Respodnent nos. 6 to 13 are residents of village Dighi Kala, Anchal and P.S.Hajipur, District Vaishali

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate
For the Respondent Nos. 1 to 5 : Mr. Amit Kumar Anand, AC to GP 15
For the Respondent Nos.6 to 12 : Mr.Ravindra Kumar Sinha No.2, Advocate
Mr.Arvind Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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6 27-10-2015 Heard the parties.

The petitioner is aggrieved by the order dated 13.03.2012 passed by the respondent Director of Consolidation, Bihar, Patna in Revision Case No. 302 of 2009 (Annexure-2), whereby the aforesaid revision application filed on behalf of the one Chalitra Rai and others including father of the petitioner under Section 35 of The Bihar Consolidation of Holdings and Prevention

of Fragmentation Act, 1956 has been dismissed and the order passed by the respondent Deputy Director of Consolidation has been affirmed.

Learned State counsel appearing on behalf of the respondent nos. 1 to 5 and learned counsel appearing on behalf of the respondent nos. 6 to 12 have jointly submitted that against the impugned order, the petitioner has an alternative and equally efficacious remedy before the learned Bihar Land Tribunal, Patna and therefore the present writ petition is liable to be dismissed on that ground alone.

Submissions made by the learned counsel appearing on behalf of the respondents appear to be correct in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

In the considered opinion of this Court, the issues of facts must be raised by the parties and conclusively decided by the statutory authorities, at the first instance, and only thereafter the powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked. In the present case, the petitioner has statutory forum for redressal of his grievances before the learned Bihar Land Tribunal, Patna

In above view of the matter, the present writ petition is dismissed with a liberty to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands in question, as also with respect to the order impugned.

(Birendra Prasad Verma, J)

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