

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16106 of 2013

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1. Jhakkar Yadav son of Late Munar Yadav
 2. Binod Yadav
 3. Harendra Yadav
 4. Jitendra Yadav
 5. Manoj Yadav
All sons of Bijai Yadav, resident of Matiyavia, P.S.Bagaha, District West Champaran
 6. Parshuram Yadav son of Sri Shesh Yadav, resident of village Narwal Brawl, P.S.Bagaha, District West Champaran
 7. Umesh Yadav
 8. Ramesh Yadav
Both sons of Shri Arjun Yadav, resident of Ratwal Bhataiya, P.S.Bagaha, District West Champaran
 9. Shiv Yadav son of Late Bagad Yadav, resident of Gulwalia, P.S. Sumara, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. Saroj Devi wife of Sri Braj Kishore Mishra, resident of village Tarwalia, P.S.Semr, District West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
For the Respondent No.1 : Mr.Suman Kumar Jha, AC to AAG 5
For the Respondent No.2 : Mr. Vishwajeet Kumar Mishra, Advocate
Mr.Radha Mohan Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-12-2015

Heard the parties.

The petitioners are aggrieved by the order dated 08.01.2013 passed in Land Dispute Case No. 7 of 2012-13 by the respondent DCLR, Bagaha, West Champaran under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short, “the Act, 2009”), as contained in Annexure-6 to the writ petition, whereby the aforesaid case filed on behalf of the respondent no.2 under the provisions of the Act, 2009 has been allowed with certain directions.

The writ petition is liable to be dismissed on two grounds: firstly, on the ground of non-joinder of necessary parties as the authority who passed the impugned order has not been impleaded as party respondent, and secondly, against the impugned order dated 08.01.2013, the petitioners have an alternative and efficacious remedy before the appellate authority in view of the provisions contained in Section 14 of the Act, 2009.

In above view of the matter, the writ petition is dismissed.

However, liberty is granted to the petitioners to approach the appellate authority for grant of appropriate relief (s) with respect to the lands under dispute as also the impugned order.

If such an appeal is filed on behalf of the petitioners after impleading all the necessary parties, then the same shall be considered and decided on its own merits without being prejudiced by the rejection of the present writ petition.

(Birendra Prasad Verma, J)

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