

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17343 of 2013

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1. Smt. Vimla Devi, Wife Of Late Wihar Prasad and Daughter - In - Law Of Late Jagarnath Rai, Resident Of Village - Haldi Chapra, Badan Tola, P.S. Maner, District - Patna
 2. Aandhi Devi, Daughter Of Late Jagarnath Rai, Resident Of Village - Haldi Chapra, Badan Tola, P.S. Maner, District - Patna
 3. Asha Devi, Daughter Of Jagarnath Rai, Resident Of Village - Haldi Chapra, Badan Tola, P.S. Maner, District - Patna
 4. Nageshwar Rai, Son Of Late Sukhdeo Rai, Resident Of Village - Haldi Chapra, Purana Tola, P.S. Maner, District - Patna
 5. Basgit Rai, Son Of Late Chattu Rai, Resident Of Village - Haldi Chapra, Purana Tola, P.S. Maner, District - Patna
 6. Basistha Prasad, Son Of Late Mukhlal Baitha, Resident Of Village - Haldi Chapra, Nayka Tola, P.S. Maner, District - Patna
 7. Satya Narain Paswan, Son Of Late Sukhlal Paswan, Resident Of Village - Haldi Chapra, Nayka Tola, P.S. Maner, District - Patna
 8. Ram Kishun Singh, Son Of Late Bishundeo Singh, Resident Of Village - Haldi Chapra, Ram Nagar, P.S. Maner, District - Patna
 9. Hoti Lal Rai, Son Of Late Thakur Rai, Resident Of Village - Mahavir Tola, Post Office - Chhihattar, P.S. Maner, District - Patna
 10. Babu Lal Rai, Son Of Late Chandrasan Rai, Resident Of Village - Haldi Chapra, P.S. Maner, District - Patna
 11. Chandmuni Devi, Daughter Of Late Mostt. Laxmania Devi, Resident Of Village - Haldi Chapra, P.S. Maner, District - Patna
 12. Kundan Kumar, Son Of Late Rm Naresh Singh and Grand Son Of Late Ganga Singh, Resident Of Village - Sahpur, P.O. Daudpur, P.S. Danapur, District - Patna
 13. Jagat Kishore Sharma, Son Of Ram Ashok Singh, Resident Of Village - Sahpur, P.O. Daudpur, P.S. Danapur, District - Patna
 14. Om Kumar, Son Of Late Jadagi Rajak, Resident Of Village - Sahpur, P.O. Daudpur, P.S. Danapur Daudpur, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar through the Collector, Patna
2. The Deputy Collector, Land Reforms, Danapur, Patna
3. The Collector, Patna
4. The Additional Collector, Patna
5. The Sub - Divisional Officer, Danapur, Patna
6. The Circle Officer, Maner, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr.Adv. Mr.S.K.Verma, Adv.
For the Respondent/s	:	Mr. Sanat Kumar Mishra, AC to AAG-8
For the Intervenors	:	Mr.Kumar Uday Singh, Adv. Mr.Madanjeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

11 09-12-2015

Heard the parties.

The petitioners are aggrieved by the order dated 06.11.2012 passed in Misc.Case No.01 of 2011-12 by the respondent D.C.L.R., Danapur (Annexure-19), whereby the aforesaid Misc. Case has been rejected and settlement of the lands has been cancelled by exercising his powers under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009').

The learned AC to AAG-8 appearing on behalf of the respondents, at the very outset, has raised the question of maintainability of the present writ petition. According to him, the order impugned is appealable before the Divisional Commissioner of the area in view of the provisions contained in Section 14 of the Act, 2009.

The learned counsel appearing on behalf of the intervenors, on the other hand, submits that against the impugned order an appeal is already pending before the Divisional Commissioner vide Appeal No.70 of 2015. He also points out that the impugned order was subject matter of challenge in CWJC No.6711 of 2013 (Biga Baitha & Ors. Vs. the State of Bihar & Ors.), but that was disposed of with a liberty to the petitioners of that case to avail of the remedy of appeal.

In the considered opinion of this Court, against the impugned order passed by the respondent D.C.L.R., the petitioners have a statutory remedy of appeal before the Divisional Commissioner. In fact another set of parties have already filed their appeal, which is pending.

In above view of the matter, the present writ petition

is dismissed. However, a liberty is granted to the petitioners to approach the appellate authority for grant of appropriate relief(s) with respect to the lands claimed by them as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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