

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21164 of 2013

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Roop Kant Ray, Son Of Late Ram Pyare Ray, Resident Of Village -
Katausi, Tole - Tengraha, P.S. Bithan, Distt - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar through Collector, Samastipur
2. The Collector, Samastipur At Samastipur District - Samastipur
3. The Additional Collector, Samastipur District - Samastipur
4. The Land Reforms Deputy Collector, Rosera, Distt - Samastipur
5. The Anchal Adhikari, Bithan Anchal, At Bithan District - Samastipur
6. Tansukh Ram Son Of Udani Lal Resident Of Village - Garhpura, P.S. Garhpura Dist - Begusarai
7. Mansukh Ram Son Of Udani Lal Resident Of Village - Garhpura, P.S. Garhpura Dist - Begusarai
8. Mahabir Lal Son Of Udani Lal Resident Of Village - Garhpura, P.S. Garhpura Dist - Begusarai
9. Kusum Lal Son Of Udani Lal Resident Of Village - Garhpura, P.S. Garhpura Dist - Begusarai
10. Bishwambhar Lal Son Of Udani Lal Resident Of Village - Garhpura, P.S. Garhpura Dist - Begusarai
11. Permanand Chhapariya Son Of Late Mahabir Chhapria Resident Of Village - Bithan, P.O. - Bithan, Anchal, Bithan, P.S. Bithan, Distt - Samastipur
12. Basudeo Chhapriya Son Of Late Mahabir Chhapriya Resident Of Village - Bithan, P.O. - Bithan, Anchal, Bithan, P.S. Bithan, Distt - Samastipur
13. Manju Devi Wife Of Basudeo Chhapariya Resident Of Village - Bithan, P.O. - Bithan, Anchal, Bithan, P.S. Bithan, Distt - Samastipur
14. Kamal Chhapariya S/O Basudeo Chhapariya Resident Of Village - Bithan, P.O. - Bithan, Anchal, Bithan, P.S. Bithan, Distt - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Adv.
For the Respondent nos.1to5 : Mrs. Nivedita Nirvikar, GP-3
For the Respondent no.12 : Mr.Jagdhar Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-12-2015 The petitioner is aggrieved by the order dated 31.12.2012 passed in Jamabandi Cancellation Case No.99 of 2011-12 by the respondent Additional Collector, Samastipur, as contained in Annexure-7, whereby the aforesaid case filed on

behalf of the petitioner under the provisions of Section 9 of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011') has been dismissed.

A counter affidavit has been filed on behalf of the respondent no.12, wherein it has been stated that against the impugned original order the petitioner filed an appeal before the respondent District Collector, Samastipur and that has also been dismissed by an order dated 27.12.2014. The aforesaid order has been brought on record as Annexure-A to the aforesaid counter affidavit. According to the learned counsel appearing on behalf of the respondent no.12 the present writ petition suffers from concealment of material facts and, therefore, on that ground alone the writ petition is liable to be dismissed. He further submits that even against the final appellate order dated 27.12.2014, the petitioner has an alternative remedy before the revisional authority as provided under Section 9(7)(a) of the Act, 2011. It is contended that on the ground of availability of alternative remedy also the writ petition is liable to be dismissed.

The submissions made by the learned counsel appearing on behalf of the respondent no.12 appear to be correct.

Against the impugned original order, as contained in Annexure-7, and the appellate order, which has been brought on record as Annexure-A to the aforesaid counter affidavit, the petitioner has an alternative remedy before the revisional authority. It is not only that, against the final order passed by the revisional authority, the aggrieved person will have further remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

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

However, liberty is granted to the petitioner to approach the prescribed revisional authority/Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands claimed by him as also against the orders passed by the revenue authorities under the provisions of the Act, 2011.

(Birendra Prasad Verma, J)

Arvind/-

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