

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2969 of 2015

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Md. Mohid, son of Md. Saddique Mian, resident of Village - Sahila Rampur
Tole Thikahi, P.S. - Hathori, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Circle Officer, Circle Office - Bochachan, District - Muzaffarpur.
4. Smt. Pano Devi (Mukhiya at present), Wife of Sri Lal Babu Sahni,
resident of Village - Sahila Rampur Tole Thikahi, P.S. - Hathori,
District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Tiwari

For the Respondent/s : Mr. Ashok Kumar Keshari, AAG-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 22-07-2015

Learned counsel for the parties are present.

The petitioner is aggrieved by the order dated 12.9.2014 passed by the respondent no.2, the District Magistrate, Muzaffarpur whereby the appeal preferred by the petitioner bearing Case No.28 (Misc.) of 2011-12 questioning the order dated 19.6.2010 whereby the Circle Officer, Bochaha had issued Basgit Parcha in favour of respondent no.4 in a matter arising from Basgit Parcha Case No.02 of 2010-11 in exercise of powers vested under the Bihar Privileged Persons Homestead Tenancy Act, 1947 (hereinafter referred to as 'the Act') has been dismissed.

Section 9 of the Bihar Land Tribunal Act, 2009

provides for an alternative remedy to a person aggrieved by the order of the statutory authorities and the lists of enactments mentioned thereunder, at item no. (vii) includes 'the Act' in question.

In the aforesaid view of the matter, where the petitioner has an alternative remedy by way of filing an application before the Bihar Land Tribunal, the writ petition is disposed of accordingly.

Learned counsel for the petitioner submits that the period of limitation has expired during the pendency of the writ petition. The provisions underlying section 14 of the Bihar Land Tribunal Act, 2009 vests jurisdiction in the Tribunal to condone the delay and the petitioner can well pray for condonation of delay and which shall be considered by the Tribunal bearing in mind the pendency of the issue before this Court.

(Jyoti Saran, J)

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