

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3661 of 2012

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Dayasagar, S/O Late Fanish Chandra Das, R/O Village- Bhagat Chowki,
P.O.- Nowagarhi, P.S.- Mofassil Munger, Sub-Division- Sadar Munger,
District-Munger (Pre-Emptor)

.... Petitioner/s

Versus

1. The State Of Bihar through the Divisional Commissioner, Munger
2. The Collector, Munger
3. The L.R.D.C., Sadar Munger
4. Mehin Das, S/O Late Piru Das, R/O Village- Bhagat Chowki, P.O.-
Nowagarhi, P.S.-Mofassil Munger, Sub-Division- Sadar Munger, District-
Munger
5. Motilal Das, S/O Late Chhangur Das, R/O Village- Bhagat Chowki,
P.O.- Nowagarhi, P.S.- Mufassil Munger Sub-Division, Sadar Munger,
District- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay
For the Respondent nos.1to3 : Mr. Binay Kumar Pandey, AC to GA-3
For the Respondent no.4 : Mr.Siya Ram Sahi
Mr.Ram Sevak Chaudhary

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-09-2015 The petitioner is aggrieved by the order dated 13.09.2011 passed in Pre-emption Revision No.40 of 2010 by the respondent Divisional Commissioner, Munger, as contained in Annexure-4, whereby the aforesaid revision application filed on behalf of the petitioner has been dismissed and the orders passed by the original authority as also the appellate authority, rejecting the claim of pre-emption of the petitioner with respect to the vended plot under Section 16(3) of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act'), have been affirmed.

In the considered opinion of this Court against the order impugned, the petitioner has an alternative and efficacious

remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

Learned State counsel appearing on behalf of the respondent nos.1 to 3 as also learned counsel appearing on behalf of the respondent no.4 are unanimous in their submissions that the writ petition, at this stage, is not maintainable, as the petitioner has not exhausted the alternative and efficacious remedy available to him.

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

However, the petitioner, if so advised, shall be at liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute.

(Birendra Prasad Verma, J)

Arvind/-

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