

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2780 of 2012

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Bibi Soghna Khatoon Alias Soghra Khatoon, Wife of Md. Rafique,
Resident of Village-Teghra, Post Office-Teghra, Via-Salmari, P.S.
Azamnagar, Distt. Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Land Ceiling, Katihar
3. The Subdivisional Officer, Barsoi, Distt. Katihar
4. Bibi Mahjabeen Khatoon, Wife of Md. Fayaque, Resident of Village Teghra, Via-Salmari, P.S. Azamnagar, District Katihar
5. Most. Samiran Nissa, Widow of Late Mohiuddin, Resident of Village Teghra, Via-Salmari, P.S. Azamnagar, District Katihar
6. Md. Manawar Alam, Son of Md. Quasim Resident of Village Teghra, Via-Salmari, P.S. Azamnagar, District Katihar
7. Bibi Nikhat, Wife of Monawar Alam, Resident of Village Teghra, Via-Salmari, P.S. Azamnagar, District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.N. Hoda
Mr. Md. Qumrul Hoda
For the Respondent nos.1to3: Mr. Awadhesh Kumar, AC to GP-3
For the Respondent no.4 : Mr.Md.Musowir

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-09-2015 Heard the parties.

The petitioner is aggrieved by the order dated 31.10.2009 (Annexure-5) passed in Land Ceiling Appeal Case No.394 of 2004-05 by the respondent Additional Collector (Land Ceiling), Katihar, whereby the aforesaid appeal filed on behalf of the petitioner under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act') has been dismissed and the order dated 25.09.2004 (Annexure-3) passed by the respondent S.D.O., Barsoi in terms of Section 16(3) of the Land Ceiling Act has been affirmed.

In the considered opinion of this Court, the petitioner has an alternative and efficacious remedy before the revisional authority under Section 32 of the Land Ceiling Act, but, without exhausting the aforesaid alternative and efficacious remedy, the petitioner has directly come to this Court in the present proceeding filed under Article 226 of the Constitution of India.

It is well settled that the issues of facts must be raised by the parties and conclusively decided by the statutory authorities and only thereafter powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked.

In above view of the matter, the present writ petition is dismissed with a liberty to the petitioner to approach the revisional authority for grant of appropriate relief(s) with respect to the lands under dispute.

The petitioner shall be at liberty to raise all the issues of facts and law with respect to the lands under dispute before the revisional authority, which may be available to her.

If an appropriate revision application is filed on behalf of the petitioner before the prescribed revisional authority within a period of three weeks from today with a certified copy of the present order and, if it is found that it has become barred by limitation and, if any petition is filed on behalf of the petitioner for condonation of such delay, then the learned revisional authority shall take into consideration that on a bonafide legal advice the present writ petition was filed on 08.02.2012 and that remained pending before this Court till date.

Arvind/-

(Birendra Prasad Verma, J)

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