

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3350 of 2012

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Sri Krishna Ram, Son Of Late Ram Prasad Ram, Resident Of Village-
Runnisaidpur, P.S. Runnisaidpur, Distt.-Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar through Its Chief Secretary, Old Secretariat, Patna
2. District Collector, Sitamarhi
3. L.R.D.C. Sitamarhi
4. Anchal Adhikari, Runnisaidpur Anchal, Distt.-Sitamarhi
5. Rinka Devi, W/O Ram Babu Ram, Resident of Village-Runnisaidpur,
P.S. Runnisaidpur, Distt.-Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha
For the Respondent nos.1to4	:	Mr. Ajay Bihari Sinha, SC-19 Mrs.Kalpana, AC to SC-19
For the Respondent no.5	:	Mr.V.R.P.Singh Mr.Rajan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-09-2015 Heard the parties.

The petitioner is aggrieved by the order dated 05.07.2004 (Annexure-2) passed in Basgit Parcha (Homestead Parcha) Case No.10 of 2004-05 by the respondent Anchal Adhikari, Runnisaidpur, whereby the claim of the respondent no.5 for issuance of Basgit Parcha under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act, 1947') with respect to the lands under dispute has been allowed.

In the considered opinion of this Court against the impugned order, the petitioner had/has an alternative and efficacious remedy before the Collector of the district under Section 21 of the Act, 1947. It appears that, instead of approaching the District Collector, the petitioner approached the D.C.L.R., Sadar, Sitamarhi against the impugned order passed by the

respondent Anchal Adhikari. Therefore, the petition filed on behalf of the petitioner has rightly been rejected by the respondent D.C.L.R., Sadar, Sitamarhi by his order dated 04.12.2009 (Annexure-4), as he is not vested with the power of hearing appeal under the provisions of the Act, 1947.

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.

Evidently, the petitioner has not exhausted the alternative and efficacious remedy available to him under Section 21 of the Act, 1947. The learned SC-19 appearing on behalf of the respondent nos.1 to 4 and the learned counsel appearing on behalf of the respondent no.5 have rightly submitted that the present writ petition is not maintainable at this stage.

For the reasons recorded above, the present writ petition is dismissed with a liberty to the petitioner to approach the respondent District Collector under Section 21 of the Act, 1947 for redressal of his valid grievances with respect to the lands under dispute.

(Birendra Prasad Verma, J)

Arvind/-

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