

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4224 of 2012

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Vidya Bhagat @ Vidya Prasad, S/O Late Nathuni Bhagat, R/O Village-
Narainpur, P.S.- Thawe, District- Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Learned Collector, Gopalganj
3. Meva Prasad, S/O Late Deoki Prasad, R/O Village- Narainpur, P.S.-
Thawe, Distt.- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha
For the Respondent/s : Mr.

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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 14.10.2011 (Annexure-3) passed in Mutation Revision (Jamabandi Correction) Case No.15 of 2007 by the respondent District Collector, Gopalganj, whereby the aforesaid revision application filed on behalf of the respondent no.3 has been allowed and the orders passed by the original authority as also the appellate authority have been set aside.

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.

At this stage, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands under dispute before the learned Bihar Land Tribunal, Patna.

If an appropriate petition is filed on behalf of the petitioner within a period of two months from today with a certified copy of the present order and, if it is found to have become barred by limitation and, if any petition is filed on behalf of the petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice the present writ petition was filed on 01.03.2012 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

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