

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3272 of 2011

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Paro Devi wife of Radhe Harijan, resident of Fulkiya, P.S.Ismailpur, Anchal
Ismailpur, District Bhagalpur Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, Department of Land Reforms, Govt. of Bihar, Patna
 3. Director, Land Reforms, Government of Bihar, Patna
 4. The Collector, Bhagalpur
 5. The Deputy Collector, Land Reforms, Naugachia, Bhagalpur
 6. Prem Kumari Devi wife of Late Lajeshwar Prasad, daughter of Late Ramdhan Sahu, resident of village Sahu Parbatta, P.S.Perwatta, Sub Division Naugachia, district Bhagalpur Respondent/s
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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Respondent Nos.1 to 5 : Mr. Rajesh Kumar, AC to GP 28
For the Respondent no.6 : Mr. Sharda Nand Mishra, Advocate
Mr. Deepak Kumar, Advocate
Mr. Dhananjay Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-09-2015

Heard the parties.

The petitioner is aggrieved by order dated 16.12.2010 (Annexure-6) passed in Case No. 03 of 2008-09 by the respondent DCLR, Naugachia, whereby the petition filed on behalf of the respondent no.6 has been allowed and direction has been issued that Jamabandi shall be allowed to run in her name with respect to the lands under dispute after cancelling the Jamabandi standing in the name of the petitioner. Furthermore, while doing so, the respondent DCLR has doubted the correctness of Pramanpatra/parwana issued by Bhoodan Yagna Committee in favour of the present petitioner.

Learned counsel appearing on behalf of the petitioner though attempted to raise certain points on merits of the case, but finally he conceded that against the impugned order, the petitioner has statutory remedy before the revisional authority.

Learned State counsel appearing on behalf of the

respondent nos. 1 to 5 and learned counsel appearing on behalf of the respondent no.6 while opposing the prayer made on behalf of the petitioner submitted that the present writ petition is liable to be dismissed since the petitioner has not exhausted the alternative and efficacious remedy available to her.

In the aforesaid background, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the statutory revisional authority for redressal of her valid grievances with respect to the lands in question.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

If an appropriate petition is filed before the statutory revisional authority by the petitioner 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 for condonation of such delay, then the authority concerned shall take into consideration that on a bona fide legal advice, the present writ petition was filed on 18.02.2011 and that remained pending before this Court till date.

It is clarified that this Court has not gone into the merits of the claim of the parties with respect to the lands in question.

The parties shall be at liberty to raise all the issues of facts and law with respect to the lands in question, which may be available to them, before the statutory revisional authority.

(Birendra Prasad Verma, J)

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