

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12099 of 2011

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Anusuya Prasad D/O Late Umesh Chandra and W/O Late Chandrika Prasad. Village-Maharajganj, P.S-Maharajganj, P.O-Maharajganj, District-Siwan.

.... Petitioner/s

Versus

1. Union of India through the Secretary, Railway, Govt. of India, New Delhi.
2. Zonal Manager, North Eastern Railway, Gorakhpur, Baransi, U.P. and Hajipur, Bihar.
3. The Chief Engineer, Railway, Gorakhpur, U.P.
4. The State of Bihar.
5. Teh District Magistrate, Siwan.
6. The Sub-Divisional Officer, Maharajganj, Siwan.
7. The Circle Officer, Maharajganj Anchal, District-Siwan.
8. The District Land Acquisition Officer, Siwan, District-Siwan.
9. The Deputy Collector, Land Reforms, Maharajganj, District-Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee, Advocate

For the Respondent Nos.1 to 3 : Mr.Anil Singh, Advocate

For the Respondent Nos.4 to 9 : Mr.D.K.Sinha, AAG 2

Mr.BIrish Kumar Sinha, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 07-09-2015

Heard the parties.

The petitioner is aggrieved by the order dated 15.05.2011 (Annexure-11) passed in Misc.Case No. 50 of 2010-2011, on remand by this Court, by the respondent District Collector, Siwan in purported exercise of his powers under Section 4 (h) of The Bihar Land Reforms Act, 1950 (in short, “the Act, 1950”), whereby the claim of settlement of land in question allegedly made in favour of the petitioner through a Sada Patta has been disbelieved and it has been held that the aforesaid settlement was made after 01.01.1946 with a view to defeat the provisions of the Act, 1950 and for causing loss to the State.

Though the matter was argued for some times on

merits by the learned counsel appearing on behalf of the petitioner, but finally she fairly conceded that against the impugned order, an appeal does lie before the appellate forum/prescribed authority under the provisions of Section 4 (h) first proviso of the Act, 1950.

In above view of the matter, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the appellate authority for redressal of the valid grievance of the petitioner with respect to the lands under dispute.

Permission is accorded.

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

The order of stay passed by a Bench of this Court on 11.05.2012 stands vacated.

If such an appeal is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order and, if it is found that the appeal has become barred by limitation and, if any petition is filed on behalf of the petitioner for condonation of such delay, then learned prescribed appellate authority shall take into consideration that on a bona fide legal advice the present writ petition was filed on 26.07.2011 and that remained pending before this Court till date.

It is clarified that the parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to lands under dispute.

(Birendra Prasad Verma, J)

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