

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6020 of 2013

With
Interlocutory Application No. 8940 of 2015

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Meer Anwar Ali @ Md. Anwar Alam S/O Late Mir Khalil Ahmad, R/O
Saharsa Basti, P.O. and P.S. And District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner Koshi Range Saharsa
2. Deputy Collector Land Revenue, Saharsa
3. Mir Hasim Son of Late Mir Safik Ali @ Majhar, Resident of Village Saharsa Basti, P.O. and P.S. And District - Saharsa
4. Mir Samsad @ Lal Babu Son of Late Mir Safik Ali @ Majhar, Resident of Village Saharsa Basti, P.O. and P.S. And District - Saharsa
5. Md. Parveez @ Munna Son of Mir Hasim, Resident of Village Saharsa Basti, P.O. and P.S. and District - Saharsa
6. Md. Javed Son of Mir Hasim, Resident of Village Saharsa Basti, P.O. and P.S. And District - Saharsa
7. Md. Soaib Son of Mir Hasim, Resident of Village Saharsa Basti, P.O. And P.S. And District - Saharsa
8. Md. Rocky Son of Mir Samsad @ Lal Babu, Resident of Village Saharsa Basti, P.O. and P.S. and District - Saharsa
9. Kasim Mian Son of Late Ajhar Mian, Resident of Village Saharsa Basti, P.O. and P.S. and District - Saharsa
10. Md. Raju Son of Kasim Mian, Resident of Village Saharsa Basti, P.O. and P.S. And District - Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Respondent No.1 & 2 : Mr. Bhaskar Shankar, AC to G.P. 16
For the Respondent No. 3 to 10: Mr. Shravan Kumar, Sr. Adv.
Mr. Satish Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 05-11-2015 Heard the parties.

The petitioner is aggrieved by the order dated 20.12.2012 passed in Land Dispute Appeal No. 522 of 2012, whereby the aforesaid appeal preferred on behalf of the respondent no.3 to 10 under the provision of Section 14 of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been disposed of and the matter has been remanded back to the learned lower court i.e. the competent authority under the Act, 2009 for

passing a fresh order.

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. Furthermore, by the impugned order the matter has been simply remanded back to the respondent D.C.L.R., the competent authority, for deciding the matter afresh.

In above view of the matter, this Court does not find any good ground to interfere with the impugned order. However, the petitioner, if so advised, may approach the learned Bihar Land Tribunal, Patna, raising all the issues, which may be available to him, with respect to the lands under dispute.

The writ petition stands dismissed with the liberty aforesaid.

So far I.A. No. 8940 of 2015 is concerned, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the aforesaid interlocutory application with a liberty to file a separate contempt petition against the concerned person(s) with respect to the cause of action, so available to him.

Permission is accorded.

I.A. No. 8940 of 2015 also stands disposed of as withdrawn with the liberty aforesaid.

(Birendra Prasad Verma, J)

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