

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1379 of 2013

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Rajdeo Sharma S/O - Late Ramdhari Sharma R/O Village - Rampur
Bagheji, P.S. - Barauli, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate-Cum-Collector, Gopalganj
3. Deputy Collector, Land Reforms, Gopalganj
4. Shail Devi wife of Kailash Prasad, resident of Village - Rampur Bagheji,
P.S. - Barauli, District - Gopalganj
5. Arvind Kumar son of Kailash Prasad, resident of Village - Rampur
Bagheji, P.S. - Barauli, District - Gopalganj
6. Dayanand Sharma S/O - Rajaram Sharma R/O Village - Rampur Bagheji,
P.S. - Barauli, District - Gopalganj
7. Mayanand Sharma S/O - Rajaram Sharma R/O Village - Rampur
Bagheji, P.S. - Barauli, District - Gopalganj
8. Sanjit Sharma S/O - Rajaram Sharma R/O Village - Rampur Bagheji, P.S.
- Barauli, District - Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Respondent No.5 : Mr. Dhananjai Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 27-10-2015

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondent no.5. However,
none appears on behalf of the remaining respondents.

The petitioner is aggrieved by the order dated
27.11.2012 passed by the respondent District Collector, Gopalganj
in Land Ceiling Appeal Case No. 3 of 2008 (Annexure-5),
whereby the aforesaid land ceiling appeal filed on behalf of the
respondent no.4 was allowed and the order dated 28.01.2008
passed by the respondent DCLR, Gopalganj in favour of the
petitioner was set aside.

In the considered opinion of this Court, against the
order impugned, the petitioner has an alternative and equally
efficacious remedy before the revisional authority under the
provisions of The Bihar Land Reforms (Fixation of Ceiling Area

and Acquisition of Surplus Land) Act, 1961 (in short, “Land Ceiling Act”). This Court is further of the opinion that issues of facts must be raised on behalf of the parties and conclusively decided by the Statutory authorities at the first instance and only thereafter, powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked.

In above view of the matter, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the revisional authority under the provisions of the Land Ceiling Act for grant of appropriate relief (s) with respect to the lands in question, as also with respect to the order impugned.

Permission is accorded.

The writ petition stands disposed of 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 before the revisional authority.

If such a revisional application is filed on behalf of the petitioner within a period of four weeks 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 for condonation of such delay, then the revisional authority shall take into consideration that on a bona fide legal advice, the present writ petition was filed on 18.01.2013 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

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