

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9333 of 2011

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1. Ainul Nisa Daughter of Rasul Mian, Resident of Village - Sisma, P.S. Paharpur, Anchal- Paharpur, District - East Champaran
 2. Rasul Mian Son of Late Madar Mian, Resident of Village - Sisma, P.S. Paharpur, Anchal- Paharpur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate Cum Collector, East Champaran, Motihari
3. Sub Divisional Magistrate, Areraj, District - East Champaran
4. Anchal Adhikari, Paharpur Anchal, District - East Champaran, Motihari
5. Jamil Mian Son of Shah Mohammad Mian, Resident Of Village - Sisma, P.S. Paharpur, Anchal- Paharpur, District - East Champaran
6. Wasir Mian Son of Shah Mohammad Mian, Resident of Village - Sisma, P.S. Paharpur, Anchal- Paharpur, District - East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma
Mr. Natraj Verma

For the Respondent No.5 & 6 : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 18-12-2015 Heard the parties.

In view of the nature of grievances/claims raised on behalf of the petitioners with respect to the lands in question, fully detailed in paragraph-1 of the writ petition itself, the learned counsel appearing on behalf of the parties conceded that the petitioners have an alternative and equally efficacious remedy before the “competent authority”, i.e. the D.C.L.R. of the area under the provisions of The Bihar Land Disputes Resolution Act, 2009 (In short ‘Act, 2009’).

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioners to approach the “competent authority” by filing an appropriate petition in prescribed format for redressal of their valid grievances with respect to the lands in question.

If such a petition is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the D.C.L.R. of the area concerned shall be obliged to consider and decide the claims of the petitioner strictly in accordance with law, after giving an opportunity of hearing to all concerned persons including the petitioners and the private respondent no.5 and 6, besides others, if any, by a reasoned and speaking order at an early date preferably within a period of six months from the date of filing of such petition particularly by bearing in mind the provisions of The Bihar Land Disputes Resolution Act, 2009.

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 in question before the “competent authority” under the meaning of the Act, 2009.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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