

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1042 of 2012

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1. Sayeedur Rahman, Son of Late Md. Bhadru
2. Md. Zahidur Rahman, Son of Late Md. Bhadru
Both Resident of Village-Phoolgachhi, Police Station-Dighal Bank,
District-Kishanganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Sub-Divisional Officer, Kishanganj
3. The Circle Officer, Anchal Dighal Bank, District-Kishanganj
4. Halka Karmchari, Phoolgachhi, Dighal Bank, District-Kishanganj
5. Ataur Rahman, Son Of Late Ramjan, Resident Of Village-Phoolgachhi,
Police Station-Dighal Bank Garbandanga, District-Kishanganj
6. Sahimuddin, Son of Late Afzal Hussain
7. Bacha Mian, Son of Late Sifal Ali
Respondent nos.6 and 7 are Resident of Village Phoolgachhi, Police
Station-Dighal Bank, District-Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
Mr. Md. Hussain
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 15-09-2015 Heard learned counsel appearing on behalf of the petitioners. None appears on behalf of the respondent State of Bihar and its functionaries, though the name of learned State counsel is printed in the daily cause list.

The petitioners are aggrieved by the order dated 22.07.2011 (Annexure-1) passed in Appeal Case No.19 of 2009 by the respondent S.D.M., Kishanganj in exercise of his powers under Section 48D of The Bihar Tenancy Act.

In the considered opinion of this Court against the order impugned, the petitioners have 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.

In above view of the matter, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

If an appropriate petition is filed on behalf of the petitioners within a period of six 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 on behalf of the petitioners for condonation of such delay, the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice the present writ petition was filed on 13.01.2012 and that remained pending before this Court till date.

Arvind/-

(Birendra Prasad Verma, J)

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