

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1209 of 2015

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1. Hira Lal Sah, Son of Late Jai Ram Das Sah
2. Pawan kumar Sah, Son of Late Krisna Lal Sah
3. Pradeep kumar Sah, Son of Late Moti Lal Sah
All Residents of Village - Shermari, P.S- Pirpainti, District - Bhagalpur,
Presently residing at - Jai Ram Das Road, P.S- Malsalami, Patna City,
District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Bhagalpur, District - Bhagalpur.
3. The Revenue Officer, Bhagalpur, District - Bhagalpur.
4. The Asst. Settlement Officer, Bhagalpur, District - Bhagalpur.
5. The Chairman, Bihar Land Tribunal, Chitkohra, Patna.
6. Sri Sri Gaushala Pirpainti through its Secretary, Jai Prakash Agrawal,
Village - Shermari, P.S- Pirpainti, District - Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chitranjan Sinha, Sr.Adv.
Mr.Faiz Ahmad
Mr. Rajeev Sah

For the Respondent nos.1to5: Mrs. Nivedita Nirvikar, GA-10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-08-2015 The petitioners are essentially aggrieved by the order dated 13.09.1974 passed by the Assistant Settlement Officer, Pirpainti, Bhagalpur in Case No.62 in terms of Section 103 A of The Bihar Tenancy Act, as contained in Annexure-3, whereby the lands in question have been directed to be recorded in the name of the respondent no.6. The petitioners are also aggrieved by the order dated 19.12.2011 (Annexure-5) passed by the respondent District Collector, Bhagalpur, whereby Misc.(Revision) Appeal Case No.34 of 2011-12 and 35 of 2011-12 have been dismissed as not maintainable. The B.L.T. Case No.13 of 2014 and B.L.T.Case No.14 of 2014 filed against the aforesaid orders have been dismissed by the learned Bihar Land

Tribunal, Patna with a liberty to them to avail of the alternative remedy available to them.

Apparently, the order passed in the year 1974 under Section 103 A of The Bihar Tenancy Act was not challenged by the petitioners or their ancestors before the statutory authorities provided under Section 106 as also under Section 108 of the Bihar Tenancy Act. However, after long time, the petitioners filed appeal in the year 2011-12 before the District Collector, Bhagalpur, which has rightly been dismissed as not maintainable and the said order has not been interfered with by the learned Bihar Land Tribunal, Patna.

After having heard the parties, this Court does not find any good ground to interfere with the orders impugned. However, the petitioners, if so advised, shall be at liberty to approach the Civil Court of competent jurisdiction for grant of appropriate relief (s).

If such a civil suit is filed on behalf of the petitioners within a period of three months from today, then the same shall be considered and decided in accordance with law.

The petitioners shall be at liberty to raise all the issues of facts and law in the aforesaid civil suit, which may be available to them.

The writ petition stands dismissed with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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