

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1185 of 2012**

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1. Sk. Rajjaque, Son of Sk. Zahoordeen  
2. Sk. Ishaque, Son of Sk. Zahoordeen  
3. Sk. Abul @ Abul Hussain Son of Sk. Zahoordeen  
4. Sk. Sattar @ Md. Sattar Son of Sk. Zahoordeen  
5. Sk. Ghaffar Son of Sk. Zahoordeen  
6. Sk. Hasain @ Md. Hasain Son of Sk. Fareed Alam  
7. Sk. Jaleel @ Md. Jaleel Son of Sk. Fareed Alam  
8. Sk. Hussain Son of Sk. Rajjaque  
9. Sk. Akhtar Son of Sk. Rajjaque  
10. Sk. Ghulam Son of Sk. Rajjaque  
11. Sk. Saiyad Son of Sk. Ishaque  
12. Sk. Saleh Son of Sk. Ishaque  
All Resident of Village-Kauamari, P.S. Azamnagar, District-Katihar

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. The Land Reforms Deputy Collector, Katihar  
3. Devi Lal Rai, Son of Late Sukhdev Rai, Resident of Village-Guthaili  
Jhaua, P.S.-Azamnagar, District-Katihar

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Ataur Rahman  
For the Respondent/s : Mr. Devendra Kr. Sinha, AAG-2

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      15-09-2015      The petitioners are aggrieved by the order dated 21.10.2011 (Annexure-4) passed in Case No.56 of 2011-12 by the respondent D.C.L.R., Barsoi, whereby the petition filed on behalf of the respondent no.3 under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been allowed and the petitioners are directed to vacate the possession from the lands in question, fully detailed in the impugned order.

In the considered opinion of this Court against the order impugned, the petitioners have an alternative and efficacious remedy before the Divisional Commissioner under Section 14 of the Act, 2009, but the petitioners without exhausting their

alternative remedy of appeal available to them have directly approached this Court in the present proceeding filed under Article 226 of the Constitution of India.

It is well settled that the issues of facts must be raised by the parties and conclusively decided by the statutory authorities and only thereafter the 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 present writ petition is dismissed with a liberty to the petitioners to approach the appellate authority for grant of appropriate relief(s) with respect to the lands under dispute.

**(Birendra Prasad Verma, J)**

Arvind/-

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