

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3975 of 2012

=====

1. Taimul Mian, S/O Late Amir Mian
2. Bibi Noorjahan, W/O Mohammand Mian
Both R/O Village- Raghunathpur, Tola Konhia, P.O.- Konhia, Police
Station- Kesariya, Anchal- Kalyanpur, District- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner Tirhut Division, At & P.O.- Muzaffarpur
3. The Collector, East Champaran at Motihari
4. The Land Reforms Deputy Collector, East Champaran at Motihari
5. Ram Adhar Singh
6. Baleshwar Singh
Both sons of Late Sheoraj Singh ,R/O Village- Raghunathpur, Tola Konhia,
Police Station- Kesariya, Anchal-Kalyanpur, District- East Champaran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umakant Shukla
For the Respondent no.5 : Mr. Anil Kumar

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 18-09-2015 The petitioners are aggrieved by the order dated 25.10.2011 (Annexure-6) passed in Pre-emption Revision No.51 of 2008 by the respondent Commissioner, Tirhut Division, Muzaffarpur, whereby the aforesaid revision application filed on behalf of the petitioners under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been dismissed and the orders passed by the original authority as also the appellate authority have been affirmed.

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.

At this stage, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to the petitioners 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The writ petition stands dismissed as withdrawn with the liberty aforesaid.

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 under dispute before the learned Bihar Land Tribunal, Patna.

If an appropriate petition is filed on behalf of the petitioners within a period of one month 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 on behalf of the petitioners for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice the present writ petition was filed on 27.02.2012 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--