

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9352 of 2010

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1. Ram Charitra Rai ,
2. Ramanand Rai,
3. Parmanand Rai,
4. Ashok Kumar Rai,
All sons of Late Bhairo Rai, Resident of village Hario, P.S. Sultanganj,
P.O. Akbarnagar, District Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Secretary
Department of Revenue and Land Reforms, Government of Bihar,
Patna.
2. The Board of Revenue, Bihar, Patna through it's member.
3. The District Magistrate-cum-Collector, Bhagalpur.
4. The Deputy Collector, Land Reforms, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. Rajendra Rai son of Late Basant Rai resident of Bhavnathpur, P.O.
Rannuchak Makundpur, P.S. Sultanganj, Bhagalpur.
.....Respondent 1st Set.
7. Muni Lal Kunwar @ Munna Kunwar won of Shri Lakhan Lal
Kunwar resident of village Bhavnathpur, P.O. Rannuchak
Madundpur, P.S. Sultanganj, Bhagalpur.
8. Radheshyam Kunwar son of Shri Lakhan Lal Kunwar resident of
village Bhavnathpur, P.O. Rannuchak Makundpur, P.S. Sultanganj,
Bhagalpur.
.... Respondent 2nd Set.

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Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal
For the Respondent/s : AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

11. 01-07-2015 Heard learned counsel for petitioners, learned A.C. to
Govt. Pleader – 10 and learned counsel for respondent no. 6.

The present writ petition has been preferred against
the order dated 20-04-2010 passed by learned Collector,
Bhagalpur in Land Ceiling Case No. 5 of 1998-99.

At the very outset, learned counsel for respondent no.
6 raises preliminary objection on the point of maintainability of

the writ petition. He submits that despite the fact that there is statutory remedy available to the petitioner, the petitioner has directly approached this Court by invoking its writ jurisdiction.

Learned counsel for petitioners submits that the present impugned order has been passed by the Collector on order of remand passed by the Member, Board of Revenue. The Member, Board of Revenue by its order dated 31-03-2004 passed in Case No. 26 of 2002-03 remanding the case had directed the Collector to examine the sale-deed as to whether it was conditional or final. Though, there was specific direction to the Collector, the learned Collector ignoring the order of the revisional court has passed order and as such, according to the learned counsel for petitioners, the order impugned is completely illegal and fit to be set aside.

The Court is of the opinion that since there was already statutory remedy available to the petitioner, the petitioner may not be allowed to invoke the writ jurisdiction of this Court. The Court is not inclined to exercise the writ jurisdiction in favour of the petitioners.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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