

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21933 of 2011

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Saurabh Yadav, minor Son of Shree Ram Yadav, represented through natural father and next friend under the guardianship of Shree Ram Yadav, resident of Village-Majrohi, P.S. and P.O.-Pirpainty, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Additional Memner, Board of Revenue, Bihar, Patna.
4. The Collector, Bhagalpur.
5. Additional Collector, Bhagalpur.
6. L.R.D.C., Kahalgaon, Bhagalpur.
7. Bijay Kumar Yadav Son of Late Raj Narayan Yadav, Resident of Majrohi, P.S. and P.O.-Pirpainty, District-Bhagalpur.
8. Kedar Mandal Son of Late Sahadeo Mandal Resident of Village-Majrohi, P.S. and P.O.-Pirpainty, District-Bhagalpur.
9. Kripa Nath Mandal Son of Kedar Mandal Resident of Village-Majrohi, P.S. and P.O.-Pirpainty, District-Bhagalpur.
10. Shailendra Nath Son of Jilendra Mandal Resident of Village-Majrohi, P.S. and P.O.-Pirpainty, District-Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.S. Dwivedi, Sr. Adv.
Mr. Anish Chandra Sinha

For the Respondent No.1 to 6 : Mr. Madhuresh Prasad, G.P. 12

For the Respondent No.7 : Mr. N.K. Agrawal, Sr. Adv.
Mr. Diwakar Upadhyaya

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 09-09-2015 Heard the parties.

The petitioner is aggrieved by the order dated 04.11.2011 (Annexure-8) passed in Revenue Revision (Ceiling) Case No. 16 of 2010-11 by the respondent Divisional Commissioner, Bhagalpur, whereby the aforesaid revision application filed on behalf of the petitioner under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been dismissed.

In the considered opinion of this Court, the petitioner has 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, learned Senior counsel appearing on behalf of the petitioner, in presence of the learned counsel appearing on behalf of the respondents, 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 disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law with respect to the lands in question, which may be available to them, before the learned Bihar Land Tribunal, Patna.

If any appropriate petition is filed on behalf of the petitioner before the learned Bihar Land Tribunal, Patna 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 petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advise, the present petition was filed before this Court on 09.12.2011 and that remained pending till date.

(Birendra Prasad Verma, J)

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