

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24 of 2012

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1. Navin Choudhary, S/O Late Shiv Shankar Choudhary, Resident of Village-Rasalpur, P.S. Bhagwanpur, District-Begusarai
2. Suresh Choudhary, S/O Late Hriday Narayan Choudhary, Resident of Village-Damodarpur, P.S. Bhagwanpur, District-Begusarai
3. Ramji Choudhry, S/O Dovi Choudhary, Resident of Village Damodarpur, P.S. Bhagwanpur, Dist.-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Circle Officer, Bhagwanpur, District-Begusarai
3. The Land Reforms Deputy Collector, Teghra, District-Begusarai
4. Sri Ramagya Choudhry, S/O Late Ragho Choudhry
5. Chunchun Choudhry, S/O Late Jado Choudhary
6. Ram Balihari Choudhary, S/O Late Sahdeo Choudhary
All Resident of Village-Rasalpur, P.S. Bhagwanpur, District-Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha
Mr.Raj Kumar
For the Respondent nos.1to3 : Mr. Krishna Chandra, AC to AG
For the Respondent nos.4&5 : Mr.S.K.Tiwary

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 14-09-2015

Heard the parties.

The petitioners are aggrieved by the order dated 06.04.2010 passed in Rent Fixation Case No.11 of 2008-09 by the respondent D.C.L.R., Teghara, as contained in Annexure-3, whereby a direction has been issued for creation of Jamabandi with respect to the lands under dispute in favour of the respondent nos.4 and 5.

Indisputably, against the impugned order, the petitioners have an alternative and efficacious remedy before the revisional authority i.e. the Collector/Additional Collector of the District, but they have not approached the aforesaid statutory authority and have directly approached this Court in the present proceeding filed under Article 226 of the Constitution of India.

In the considered opinion of this Court, the issues of

facts must be raised and conclusively decided by the statutory authority and only thereafter powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked, which has not been done in the present case.

In above view of the matter, learned counsel appearing on behalf of the petitioners, in presence of learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to approach the revisional authority 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, before the revisional authority with respect to the lands under dispute.

If such a revision application is filed on behalf of the petitioners within a period of three weeks from today with a certified copy of the present order before the prescribed revisional authority and, if it is found that the revision application so filed on behalf of the petitioners has become barred by limitation and, if any petition is filed on behalf of the petitioners for condonation of such delay, then the revisional authority shall take into consideration that on a bonafide legal advice the present writ petition was filed on 02.01.2012 and that remained pending before this Court till date.

Arvind/-

(Birendra Prasad Verma, J)

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