

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4902 of 2014

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Rasendra Kumar Singh, S/O Late Rajendra Singh, Resident Of Mohalla-Katar, P.O- Shankarpuri, P.S- Indrapuri, (Dehri On- Sone), District-Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. Of Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate-Cum- Collector, Rohtas At Sasaram
4. The Sub- Divisional Officer, Sasaram.
5. The Deputy Collector Land Reforms, Dehri, District- Rohtas At Sasaram.
6. The Circle Officer, Dehri, District- Rohtas At Sasaram.
7. Birendra Kumar, S/O Sri Ramayan Ram, Resident Of Mohalla Katar, P.O- Shankarpuri, P.S- Indrapuri (Dehri-On- Sone), District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Adv.

For the Respondent nos.1to6 : Mr. Gyan Prakash Ojha, GP-22

Mr.Sushil Kumar Singh, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 22-06-2016 Heard learned counsel for the petitioner and learned GP-22 appearing on behalf of the respondent nos.1 to 6. However, none appears on behalf of the respondent no.7, despite valid service of notice.

The petitioner is aggrieved by the order dated 30.01.2014 passed in Land Dispute Appeal No.230 of 2013 by the respondent Divisional Commissioner, Patna, as contained in Annexure-12 to the writ petition, whereby the aforesaid appeal filed on behalf of the petitioner has been dismissed for the reasons recorded in that order and the order dated 21.12.2012 passed in Land Dispute Case No.94 of 2012-13 by the respondent D.C.L.R., Dehri (Rohtas), as contained in Annexure-11, in exercising of his powers under Section 4 of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been affirmed.

Learned counsel appearing on behalf of the petitioner, while assailing the aforesaid two orders passed by the

original authority as also the appellate authority, has raised various issues of facts and law, but at the very outset learned GP-22 appearing on behalf of the respondent nos.1 to 6 has raised the question of maintainability of the present writ petition on the ground of availability of alternative and efficacious remedy to the petitioner before the learned Bihar Land Tribunal, Patna. According to him, the impugned orders have been passed under the provisions of the Act, 2009 and against the impugned final appellate order remedy is available to the petitioner before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of the Act, 2009.

The submission made by the learned GP-22 appearing on behalf of the respondent nos.1 to 6 seems to be correct, as in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009, the petitioner has an alternative and equally efficacious remedy before the Bihar Land Tribunal, Patna.

It is well settled that the issues of facts at the first instance must be raised 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 the present matter several disputed issues of facts are involved.

In above view of the matter, the present writ petition is dismissed. However, a liberty is granted to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands in question as also with respect to the orders impugned.

Arvind/-

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(Birendra Prasad Verma, J)