

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2426 of 2012

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Manik Prasad Singh Son Of Late Ramotar Singh, Resident of Village-Jamunia, Police Station-Simari Bakhtiyarpur, District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Koshi Division, Saharsa
3. Deputy Collector Land Reform, Simri Bakhtiyarpur, Saharsa
4. Circle Officer, Simri Bakhtiyarpur, Saharsa
5. Buchendra Sada Son Of Late Radhe Sada, Resident Of Village-Jamunia, Police Station-Simari Bakhtiyarpur, District-Saharsa
6. Rajendra Sada Son Of Buchendra Sada, Resident Of Village-Jamunia, Police Station-Simari Bakhtiyarpur, District-Saharsa
7. Lala Sada Son Of Buchendra Sada, Resident of Village-Jamunia, Police Station-Simari Bakhtiyarpur, District-Saharsa
8. Bhular Devi Wife Of Late Radhe Sada, Resident of Village-Jamunia, Police Station-Simari Bakhtiyarpur, District-Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan
Mr. Krishna Kumar Yadav

For the Respondent/s : Mr. Kaushal Kr. Jha SC-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 24-02-2016 The petitioner is aggrieved by the order dated 21.10.2011 passed in Land Dispute Resolution Appeal No. 16 of 2011 by the respondent Commissioner, Koshi Division, Saharsa, as contained in Annexure-9, whereby the aforesaid appeal preferred on behalf of the petitioner under Section 14 of The Bihar Land Disputes Resolution Act, 2009 has been dismissed and the order passed by the competent authority i.e. D.C.L.R., Simri, Bakhtiyarpur has been affirmed.

In the considered opinion of this Court, against the order impugned, the petitioner has an alternative and equally 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.

It is well settled that the issues of facts must be raised by the parties and conclusively decided by the statutory authorities and only thereafter powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked.

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 order impugned.

(Birendra Prasad Verma, J)

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