

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9715 of 2014

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1. Harihar Nath Rai @ Hariharnath Yadav Son of Late Kalika Rai
 2. Shri Karn Kumar @ Karm Singh Son of Sri Harihar Nath Rai @ Harihar Nath Yadav Both resident of Village Awasthighat, Danapur, P.S- Danapur, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector, Land Reforms, Danapur, Patna.
3. Most. Premwati Devi Wife of Late Biteshwar Nath yadav
4. Guddu Singh Yadav
5. Laddu @ Dadan Singh yadav, Both Sons of Late Biteshwar Nath @ Biteshwar Nath yadav,
All resident of Village- Awasthighat, Danapur, P.S- Danapur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent Nos.1 & 2 : Mr. Ramendra Kumar Bharti, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-10-2016 The petitioners are aggrieved by the order dated 28.9.2013 passed by the respondent D.C.L.R., Danapur in Land Dispute Resolution Case No. 65 of 2013-14, as contained in Annexure-1 to the writ petition, whereby the aforesaid case filed on behalf of the respondent nos. 3 to 5 under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been allowed.

Despite repeated calls, none appears on behalf of the petitioners in support of the present writ petition, though the name of the learned counsel appearing on their behalf is printed in the daily cause list.

The learned A.C. to G.P. 18 appearing on behalf of the respondent nos. 1 and 2, on the other hand, submits that the order

impugned is appealable under the provisions of Section 14 of the Act, 2009. Therefore, according to him, the present writ petition, at this stage, is not maintainable and is fit to be dismissed.

The submissions made by the learned AC to G.P. 18 appear to be correct.

Against the order passed by the competent authority under the provisions of the Act, 2009, an appeal does lie before the prescribed appellate authority under the provisions of Section 14 of the Act, 2009. Not only that, against the final order passed by the appellate authority, aggrieved person will have further remedy before the learned Bihar Land Tribunal, Patna, in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009. Indisputably, the petitioners have not exhausted the statutory remedy available to them.

In above view of the matter, the present writ petition is dismissed, but liberty is granted to the petitioners to approach the prescribed appellate authority for grant of appropriate relief(s) to them with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

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