

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6664 of 2016**

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Mohbat Lal Mandal, Son of Late Bhagwat Mandal, resident of Village Chakai Tola Karhamna P.S. Jokihat District Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar through Collector Araria, District Araria.
  2. The Circle Officer Jokihar, P.S. Jokihat, District Araria.
  3. Hafi Lal Mandal, Son of Late Kanhaiya Lal Mandal.
  4. Sarwan Mandal Son of Late Kanhiya Lal Mandal.
  5. Rajendra Mandal Son of Abhi Lal Mandal.
  6. Brij Lal Mandal Son of Abhi Lal Mandal
  7. Vinesh Mandal Son of Abhi Lal Mandal.
  8. Umesh Mandal Son of Abhi Lal Mandal
- Respondent 3 to 8 resident of Village Chakai Toal Karhamna, P.S. Jokihat, District Araria.
9. Nawa Lal Mandal Son of Late Dhanpat Mandal
  10. Pandav Mandal Son of Late Dhanpat Mandal.
  11. Baski Mandal Son of Late Dhanpat Mandal.
- Respondent no. 9 to 11 resident of Village Bhadhva Kol Bhawanipur, P.S. Amour District Purnea.
12. Pramdev Lal Mandal, Son of Late Pancham Lal Mandal.
  13. Rajdev Lal Mandal Son of Late Pancham Lal Mandal
  14. Sakaldev Mandal Son of Late Pancham Lal Mandal.
  15. Urmila Devi @ Jaimanti Devi Daughter of Late Pancham Lal Mandal
- Respondent no. 12 to 15 resident of Village Ripaili P.S. Jokihat, Distirct Araria.
16. Bharoni Devi Wife of Late Kanhaiya Lal Mandal resident of Village Biokhrraha, P.S. Mahalgaon, District Araria.
  17. Sukhsari Devi Daughter of Late Abhi Lal Mandal resident of Village Balua, P.S. Maghalgaon District Araria.
  18. Kambatgti Devi Wife of Late Abhi Lal Mandal resident of Village Pusdaha, P.O. Dogharia, P.S. Kochadhaman, Distirct Kishangaj.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.  
Mr. Manish Kumar, Adv.

For the Respondent nos.1&2 : Mr. Pawan Kumar, AC to GA-1.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      22-11-2016

Heard.

Indisputably, against the impugned order dated 25.06.2015 passed by the respondent Circle Officer, Jokihat, as

contained in Annexure-2 to the writ petition, rejecting the claim of the petitioner under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act, 1947'), the petitioner has an alternative and efficacious remedy before the respondent District Collector, Araria under Section 21 of the Act, 1947. However, the petitioner, without exhausting the aforesaid alternative remedy, has approached this Court in the present proceeding filed under Article 226 of the Constitution of India. Not only that, against the final order passed by the District Collector, Araria, the aggrieved party 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.

It is well settled that the issues of facts 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 that view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the respondent District Collector, Araria in terms of Section 21 of the Act, 1947 for grant of an appropriate relief to him with respect to the lands in question as also the order impugned.

Arvind/-

**(Birendra Prasad Verma, J)**

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