

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6625 of 2016

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Krishna Kumar Agrawal, Son of Late Prahlad Agrawal, resident of village - Babhangama, P.S. Triveniganj, Block - Triveniganj, District - Supaul, Presently at 202, Manju Villa, Van Vibhag Road, Nehru Nagar, Patna

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna
2. The Commissioner, Kosi Division, Saharsa
3. The District Magistrate, Supaul
4. The Deputy Collector Land Revenue, Triveniganj, Supaul
5. The Sub - Divisional Magistrate, Triveniganj, Supaul
6. The B.D.O., Triveniganj, District Supaul
7. The C.O., Triveniganj, District Supaul
8. The S.H.O., Triveniganj, PS, Supaul
9. Phoolleshwar Rishi Dev, Son of Late Koeli Rishi Dev, resident of village - Babhangama, Tola - Narha Baghla, P.S. Triveniganj, District Supaul
10. Ramji Rishi Dev, Son of Late Koeli Rishi Dev, resident of village - Babhangama, Tola - Narha Baghla, P.S. Triveniganj, District Supaul
11. Vishnu Dev Yadav, Son of Thithar Yadav, resident of village - Babhangama, Tola - Narha Baghla, P.S. Triveniganj, District Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.
For the Respondent nos.1to8 : Mr. Kameshwar Kumar, GP-17
Mr.Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-11-2016

Heard.

The petitioner is aggrieved by the order dated 02.08.2014 passed in Basgit Parcha Case No.6 of 2014-15 by the respondent Circle Officer, Triveniganj, as contained in Annexure-14 to the writ petition, whereby the claim raised on behalf of the private respondent nos.9 and 10, on remand made by the respondent District Collector, Supaul, has been allowed once again under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act, 1947').



The learned State counsel appearing on behalf of the respondent nos.1 to 8, at the very outset, has raised the question of maintainability of the present writ petition at this stage. According to him, the petitioner has not exhausted the alternative remedy available to him; therefore, the present writ petition is fit to be dismissed.

The submissions made by the learned State counsel appear to be correct.

In the considered opinion of this Court, against the order impugned, the petitioner has an alternative and efficacious remedy before the District Collector, Supaul in view of the provisions contained in Section 21 of the Act, 1947. Not only that, against the final order passed by the District Collector, Supaul, 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 the present case, admittedly, the petitioner has not exhausted the alternative remedy available to him.

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, Supaul 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.

It goes without saying that, if an appropriate petition is filed on behalf of the petitioner within a period of one month

from today, then all endeavours shall be made by the respondent District Collector, Supaul to dispose of the same expeditiously, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner as also the private respondents.

(Birendra Prasad Verma, J)

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