

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1519 of 2014

With

Interlocutory Application No. 9611 of 2015

And

Interlocutory Application No. 107 of 2016

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1. Vijay Kant Lall Son Of Late Shree Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 2. Prabha Kant Lall Son Of Late Shree Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 3. Kamla Kant Lall Son Of Late Shree Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 4. Birendra Kumar @ Satish Kumar Son Vijay Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 5. Bibhakar Kumar Son Vijay Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 6. Manoj Kumar Son Prabha Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 7. Alok Kumar Son Prabha Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya
 8. Niraj Kumar Son Prabha Kant Lall R/O Mohalla - Kanya Pathsala Road, P.S. Civil Lines, Town - Gaya, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Magadh Division, Gaya, District - Gaya, Government of Bihar, Patna
3. The Collector, Nawadah, District - Nawadah
4. The Deputy Collector Land Reforms, Nawada, District - Nawadah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondents : Mr. Satyendra Kumar Jha, AC to G.P. 3

For the Intervenor : Mr. Ram Pravesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 28-04-2016 The petitioners are aggrieved by the order dated 04.09.2013 passed in Case No. 17 of 2007-08 by the respondent D.C.L.R., Nawada Sadar, as contained in Annexure-3 to the writ petition, whereby on remand made by this Court, the respondent D.C.L.R., Nawada Sadar has passed the aforesaid final order in exercise of his powers under Section 4(h) of The Bihar Land

Reforms Act, 1950 (In short 'the Act, 1950') rejecting the claim of settlement made by the petitioners with respect to the lands under dispute.

Indisputably, the order impugned is appealable under the provisions of the 1st proviso of Section 4(h) of the Act, 1950 before the prescribed appellate authority. Admittedly, the petitioners have approached this Court in the present proceeding without exhausting alternative remedy of appeal available to them. It is also to be noted that against the final order passed under the provisions of the Act, 1950, a further alternative remedy is available to the aggrieved party before The Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioners to approach the appellate authority for grant of appropriate relief(s) with respect to the lands in question as also with respect to the order impugned. The I.A. No. 9611 of 2015 and I.A. No. 107 of 2016 filed by the intervenors for their impleadment as party respondents, are also disposed of with a liberty to them to approach the appellate authority for grant of appropriate relief, if some appeal is filed on behalf of the petitioners.

(Birendra Prasad Verma, J)

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