

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19265 of 2014

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Syed Irfan Ashraf S/o- Habibur Ashraf, Resident of Village- Peer Bigha,
P.S.- Chandauti, Anchal- Belaganj, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Gaya, District- Gaya
3. The Additional Collector, Gaya, District- Gaya.
4. The Deputy Collector Land Reforms, Sadar- Gaya, District- Gaya
5. The Circle Officer, Belaganj, District- Gaya
6. Aftab Ahmad son of Late Gholam Mustafa, Resident of Village- Peer Bigha, P.S.- Chandauti, Anchal- Belaganj, District- Gaya, presently residing in Mohalla- Shibli Colony, New Karimganj, P.S.- Civil Lines, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent Nos. 1 to 5: Mr. Sushil Kumar, G.P. 22

For the Respondent No. 6 : Mr. Anil Chandra, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-10-2016 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the names of the learned counsel appearing on his behalf are printed in the daily cause list.

The learned State counsel appearing on behalf of the respondent Nos. 1 to 5 and the learned counsel appearing on behalf of the respondent no.6, on the other hand, submit that the impugned order cannot be legally faulted. They further submit that if the petitioner is at all aggrieved, he has an alternative remedy before the learned Bihar Land Tribunal, Patna, but he has not exhausted the alternative remedy available to him. Therefore, according to them, the writ petition is liable to be dismissed on that ground alone.

In the considered opinion of this Court, against the impugned order dated 2.7.2014 passed in Mutation Revision Case No. 47 of 1011/ 46 of 2009-10 by the respondent Additional Collector, Gaya, as contained in Annexure-4 to the writ petition, the petitioner has an alternative remedy before the learned 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 liberty is granted to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) to him with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

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