

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5526 of 2014

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Imteyaz Ahmad, Son Of Late Mukhtar Ahmad, Resident Of Village-
Hathaudi Tola Mahual, P.S- Hussainganj, Distt- Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Cum- Collector, Siwan.
3. The Additional Collector, Siwan.
4. The Sub- Divisional Officer, Siwan.
5. The Circle Officer, Hussainganj, Distt- Siwan.
6. Parwez Ahmad, Son Of Md. Asraf, Resident Of Village Hathaudi Tola Mahual, P.S- Hussainganj, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Dronacharya, Adv.
	Mr. Ram Prawesh Kumar, Adv.
For the Respondent nos.1to5	: Mr. Sanjay Kumar Tiwari, AC to GP-27.
For the Respondent no.6	: Mr.Naresh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 27-06-2016 Heard the parties.

The petitioner is aggrieved by the order dated 08.03.2014 passed in Jamabandi Cancellation Case No.38 of 2013-14 by the respondent Additional Collector, Siwan, as contained in Annexure-6 to the writ petition, whereby Jamabandi No.774 standing in the name of father of the petitioner with respect to the lands in question has been declared to be illegal, based on forged documents and has accordingly been cancelled, in exercise of his powers under Section 9 of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011').

At the very outset, learned counsel appearing on behalf of the private respondent no.6 has raised the question of maintainability of the present writ petition on the ground of availability of an alternative remedy of appeal and revision to the

petitioner as provided under Section 9(6-a) and 9(7-b) of the Act, 2011. He further submits that against the final order passed under the provisions of the Act, 2011, the aggrieved person will have further remedy before the Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

The submissions appear to be correct, since in the present matter several disputed questions of facts are involved.

In the considered opinion of this Court, 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 above view of the matter, the present writ petition is dismissed.

However, a liberty is granted to the petitioner to approach the statutory authorities for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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