

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16320 of 2011

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Shiva Kumar Roy son of Lt. Baleshwar Roy, resident of village- Rajauli, P.S. Rajauli, Distt. Nawada, now residing at Village- Chongakhar, Police Station- Birni, District Giridih, State- Jharkhand, represented through Shri Uday Shankar Sharan Singh, son of Late Uma Shankar Sharan Singh, resident of village- Rajauli, Police Station- Rajauli, District Nawadah, Holder of Power of Attorney dated 3.12.2003.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Nawadah
2. The Collector, Nawada, Nawadah
3. The Anchal Adhikari, Rajauli Anchal, P.S. Rajauli, Distt. Nawadah
4. The Deputy Collector, Land Reforms Rajauli, Nawadah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad Singh, Adv.
Mr. Bal Bhushan Chand, Adv.

For the Respondent/s : Mr. Sanjay Kumar Ojha, AC to GP-7.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 30-08-2016 The petitioner has filed the present writ petition assailing the validity and correctness of the notice, as contained in Annexure-5 to the writ petition, issued by the respondent D.C.L.R., Rajauli in Land Dispute Resolution Case No. 33 of 2011, whereby the opposite parties therein have been directed to appear on 9.9.2011 and file their show cause, so that appropriate final order is passed in the aforesaid case.

In the considered opinion of this Court, the present writ petition, at this stage, is completely misconceived and untenable. The issues, sought to be raised on behalf of the petitioner in the present writ petition, can very well be raised before the respondent D.C.L.R. in the aforesaid case. If the respondent D.C.L.R. passes a final order in the aforesaid Land Dispute Resolution Case No. 33 of 2011 under the provisions of The Bihar Land Disputes

Resolution Act, 2009 (in short ‘ Act, 2009’), the aggrieved person will have remedy before the prescribed appellate authority in terms of Section 14 of the Act, 2009 and thereafter, the aggrieved person will have further remedy before The learned Bihar Land Tribunal, Patna.

For the reasons recorded above, the present writ petition is dismissed. However, liberty is granted to the petitioner to raise all the issues of facts and law before the respondent D.C.L.R., Rajauli in the aforesaid Land Dispute Resolution Case No. 33 of 2011, if that has not been disposed of till date.

It goes without saying that if the petitioner appears and files his show cause contesting the matter, then the same shall be considered appropriately in accordance with law.

(Birendra Prasad Verma, J)

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