

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4166 of 2010

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Mohan Kumar Choudhary, S/O Ashok Choudhary, R/O Vill.- Naya Tola, Rahimpur, P.S. & Distt.- Khagaria, At Present Residing At Mohalla- Jay Prakash Nagar, P.O. And Distt.- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna
 2. The Commissioner-Cum-Secretary, Revenue Land Reforms, Govt. Of Bihar, Patna
 3. The Divisional Commissioner, Munger, Fort Area, Munger
 4. The District Magistrate, Khagaria
 5. The D.C.L.R., Khagaria
 6. Ram Binod Choudhary, S/O Late Bisundeo Choudhary
 7. Amar Choudhary, S/O Late Bhado Choudhary
- Both R/O Vill.- Naya Tola Rahimpur, P.O.& Distt.- Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent nos.1to5	:	Mr. Md.Harun Quareshi, AC to SC-18
For the Respondent no.6	:	Mr. Krishna Kishore Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 09-02-2016 The petitioner is aggrieved by the order dated 07.10.2009 passed in Pre-emption Revision No.43 of 2008 by the respondent Divisional Commissioner, Munger, as contained in Annexure-8, whereby the aforesaid revision application filed on behalf of the petitioner under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been dismissed and the order passed by the appellate authority has been affirmed.

None appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on behalf of the petitioner is printed in the daily cause list.

However, 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 have opposed the prayer made in the present writ petition on the ground of merits as also on the ground of alternative remedy available to the petitioner. According to them, the petitioner has an alternative remedy before the learned Bihar Land Tribunal, Patna and, therefore, the present writ petition is liable to be dismissed on that ground alone, besides on merits.

After going through the materials available on the record and after hearing the learned counsel appearing on behalf of the aforesaid respondents, this Court is of the opinion that, against the order impugned, the petitioner has an alternative and equally efficacious 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 a liberty is granted to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands in question as also with respect to the order impugned.

(Birendra Prasad Verma, J)

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