

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16229 of 2014

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1. Paras Nath Gupta
 2. Pankaj Kumar Gupta Both are sons of Sri Bhagwan Lal Gupta, residents of Mohalla- Sadikpur, Shershah Path, P.S.- Alamganj, P.O.- Gulzarbagh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector, Land Reforms, Patna Sadar, Patna
3. Chunnu @ Ram Pyare Singh, son of Late Kokil Singh, resident of village- Mainpura, P.S.- Patliputra, District- Patna
4. Manoj Kumar, son of Late Ram Babu Singh, resident of Indrapuri, Road No. 15, Gopi Kunj, P.S.- Patliputra, District- Patna
5. Muneshwar Singh, son of Late Kokil Singh
6. Pappu Kumar, son of Muneshwar Singh
7. Chhotu Kumar, son of Muneshwar Singh
8. Pintu Kumar son of Muneshwar Singh All are residents of Mainpura, P.S.- Patliputra, District- Patna
9. Suresh Sharma, son of late Keshwar Sharma, resident of Mohalla- Rajapur, Gate No. 31, Police Station- Patliputra, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Respondent Nos. 1 & 2: SC-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-11-2016 Heard.

The petitioners are aggrieved by the order dated 26.2.2013 passed in Land Dispute Case No. 97 of 2012-13 by the respondent D.C.L.R., Patna Sadar, as contained in Annexure-5 to the writ petition, whereby in the aforesaid case filed on behalf of the respondent no.3 under the provisions of the Bihar Land Disputes Resolution Act, 2009 (in short Act, 2009) against the respondent nos. 4 to 9, some interim order has been passed.

The learned counsel appearing on behalf of the petitioners submits that though, the petitioners are also having claim over the lands in question, but they have not been impleaded



as party respondents in the aforesaid case. By referring to certain documents as also pleadings in the writ petition, it is contended that out of total area of 1 acre 25 decimals of plot no. 1415, the petitioners also have their claims over some part of the plots in question, yet while passing the orders in the aforesaid Land Dispute Case No. 97 of 2012-13, the petitioners have not been heard. However, despite repeated query, the learned counsel appearing on behalf of the petitioners has not shown to this Court the final order passed in aforesaid Land Dispute Case No. 97 of 2012-13. In the whole writ petition filed on behalf of the petitioners, it has nowhere been stated that the aforesaid proceeding has finally been disposed of by the respondent D.C.L.R., Patna Sadar, or said proceeding is still pending.

In above view of the matter, this Court is of the opinion that the petitioners have three options, viz, firstly, if the aforesaid Land Dispute Case No. 97 of 2012-13 is still pending before the respondent D.C.L.R., Patna Sadar, then they can intervene in the proceeding and resist the claim raised on behalf of the respondents with respect to the lands in question. Secondly, if the final order has been passed by the respondent D.C.L.R., Patna Sadar, in the aforesaid Land Dispute Case No. 97 of 2012-13, then the petitioners have an alternative remedy of appeal before the prescribed appellate authority under the provisions of Section 14 of the Act, 2009; and thirdly, if there is serious dispute of right, title and possession, then the petitioners can very well approach the civil court of competent jurisdiction for grant of appropriate relief to them with respect to the lands in question.

Apparently, without exhausting the alternative legal remedies available to the petitioners, they have straightaway

approached this Court by filing the present writ petition raising various disputed questions of facts with respect to the lands in question, which cannot be appropriately gone into in the present proceeding filed under Article 226 of the Constitution of India at this stage. Apparently, the writ petition is devoid of merit and is, accordingly, dismissed, but a liberty is granted to the petitioners to exhaust the alternative remedies available to them, as indicated above, for grant of appropriate relief to them with respect to the lands claimed by them.

(Birendra Prasad Verma, J)

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