

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16796 of 2011

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Smt.Nutan Singh wife of Shri Nagina Kumar Singh, resident of Village-
Olapur-Gangaur, Police Station- Khagaria, District- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Khagaria
3. The Collector, Begusarai
4. The Additional Collector, Begusarai
5. The Sub-Divisional Officer, Khagaria
6. The Deputy Collector, Land Reforms, Khagaria
7. The Circle Officer, Khagaria Circle, District- Khagaria
8. Durgi Sada son of Chhabu Sada, resident of Village- Gangaur, Police
Station and District- Khagaria
9. Jago Sada son of Saukhi Sada, resident of Village Ramunia (Simara),
Police Station and District- Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate

For the Respondent Nos. 1 to 7 : Mr. Sunil Kumar, AC to SC 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 20-07-2016 Heard the learned counsel appearing on behalf of the
petitioner and the learned State counsel appearing on behalf of the
respondent nos. 1 to 7. However, none appears on behalf of the
private respondents.

The petitioner is aggrieved by order dated 28.03.2011
passed in Land Dispute Case No. 5 of 2010-11 by the respondent
DCLR, Khagaria, as contained in Annexure-10 to the writ petition,
whereby the aforesaid case filed on behalf of the petitioner under
Section 4 of The Bihar Land Disputes Resolution Act, 2009 (in
short, “the Act, 2009”) has been rejected with a liberty to the
petitioner to approach the civil court of competent jurisdiction for
getting her right and title declared over the lands in question.

The learned counsel appearing on behalf of the
petitioner submits that the issue of facts raised on behalf of the

petitioner with respect to the lands in question was not properly considered by the respondent DCLR and, in fact, question of title is/was not involved in the aforesaid proceeding.

In view of the aforesaid submissions of the learned counsel appearing on behalf of the petitioner and in view of the provisions contained in Section 14 of the Act, 2009, this Court is of the opinion that against the order impugned, the petitioner has an alternative and efficacious remedy before the prescribed appellate authority under the provisions of the Act, 2009 itself. Furthermore, against the final order passed by the appellate authority, aggrieved person will have further remedy before the learned Bihar Land Tribunal, Patna in view of provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

For the reasons recorded above, the present writ petition is dismissed, but liberty is granted to the petitioner to approach the appellate authority for grant of appropriate relief(s) with respect to lands in question as also the order impugned.

(Birendra Prasad Verma, J)

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