

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10241 of 2012

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1. Pramod Singh
2. Kailash Singh
3. Shambhu Singh
All Sons Of Late Rajo Singh, Resident Of Village Chaak, P.S. Matihani,
District Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna
3. District Magistrate, Begusarai
4. Deputy Collector, Land Reforms, Begusarai
5. Circle Officer, Begusarai
6. Mundrika Devi Wife of Ram Prit Singh Resident of Village Ratanpur, P.S. Begusarai Town, District Begusarai
7. Ram Uday Singh Son of Ram Chandra Singh Resident of Village Ramdiri, P.S. Matihani District Begusarai
8. Anil Kumar Son Of Ram Ram Chandra Singh Resident Of Village Ramdiri, P.S. Matihani District Begusarai
9. Bibha Devi Wife of Ajay Kumar Resident of Village Matihani, P.S. Matihani, District Begusarai
10. Nageshwari Devi Wife of Sheonandan Sharma Resident of Village Sahoor, P.S. Sanghaul, District Begusarai
11. Bina Sharma Wife Of Parmanand Choudhary Resident Of Village Thatha, P.S. Mansi, District Khagaria. At Present Village Nauranga, P.S. Begusarai Town, District Begusarai
12. Bina Rai Wife Of Gopal Rai Resident Of Village Harakhpura, P.S. Garhpura, District Begusarai At Present Residing At Village Nauranga, P.S. Begusarai Town, District - Begusarai
13. Rupam Rai Wife Of Mukesh Kumar Rai Resident Of Village Harakhpura, P.S. Garhpura, District Begusarai At Present Residing At Village Nauranga, P.S. Town, District - Begusarai
14. Rukmini Devi Wife Of Sakendra Singh Resident Of Bihat, P.S. Teghra, District Begusarai
15. Ram Chandra Singh Son Of Daroga Singh Resident Of Village Bihar, P.S. Teghra, District Begusarai
16. Baidehi Devi Wife Of Anil Kumar Resident Of Village Ramdiri, P.S. Matihani District Begusarai
17. Ashok Singh Son Of Late Ram Chandra Singh Resident Of Village Bihat (Maksaspur), P.S. Barauni, District Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Md.Imteyaz Ahmad, Adv.
For the Respondent nos.1to5 : Mr. Satish Kumar Sinha, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 29-08-2016

The petitioners are aggrieved by the order dated 30.09.2011 passed in Misc.Case No.7 of 2010-11 by the respondent D.C.L.R., Begusarai, as contained in Annexure-1, whereby the aforesaid case filed on behalf of one Ramrati Devi, now deceased mother of the petitioners, has been rejected on the ground of pendency of civil suit between the parties in the court below.

Admittedly, against the order impugned, the petitioners have other statutory forums of appeal and revision, but without exhausting the aforesaid alternative remedy, they have straightaway approached this Court in the present proceeding. Furthermore, the respondent D.C.L.R., Begusarai has recorded a finding of fact that civil suit is pending between the parties with respect to the lands in question.

It is well settled that the issues of facts must be raised and conclusively decided by the statutory authorities and only thereafter 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, but a liberty is granted to the petitioners either to approach the prescribed appellate authority for grant of an appropriate relief with respect to the lands in question or contest the civil suit pending between the parties.

Arvind/-

(Birendra Prasad Verma, J)

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