

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3487 of 2015

=====

1. Yasmin Nehal widow of Late Nehaluddin
2. Adil Nehal son of Late Nehaluddin
3. Ayesha Nehal daughter of Late Nehaluddin
4. Md. Ali Son of Late Jamaluddin Ahmad
5. Ishrat Jamal
6. Nusrat Jamal both daughters of Late Jamaluddin Ahmad All resident of
village - Mushkipur, Police Station and Anchal Gogri, District - Khagaria
..... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of
Revenue and Land Reforms, Govt. of Bihar
2. Collector, Khagaria
3. Additional Collector (Ceiling), Khagaria
4. Anchal Adhikari, Chautham, District - Khagaria
5. Anchal Adhikari, Gogri, District - Khagaria
6. Anchal Adhikari Mansi, District - Khagaria
7. Collector, Munger

..... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Sr. Adv.
Mr. Atif Inam, Adv.

For the Respondents : None.

For the Intervenor/Respondents: Mr. Umakant Shukla, Adv.
Mr. Ram Sumiran Rai, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 04-07-2016 Heard.

Originally, the petitioners had filed this writ petition for the reliefs enumerated in paragraph-1 of the writ petition. Subsequently, when it transpired to the petitioners that during the pendency of the writ petition a final order has been passed by the respondent Additional Collector, Khagaria on 07.03.2015 rejecting their claims with respect to the lands in question claimed by them; they filed I.A. No. 3638 of 2015 seeking amendment in the prayer portion of the main writ petition and seeking permission of the Court to assail the validity and correctness of the aforesaid order dated 07.03.2015, which has been brought on the record as



Annexure-13 to the aforesaid interlocutory application. The aforesaid interlocutory application was allowed by a Bench of this Court by order dated 11.05.2015. Hence, now, the petitioners are essentially aggrieved by order dated 7.3.2015 passed in land ceiling Case No. 82 of 1975-76, as also the order dated 7.3.2015 passed in Supplementary Land Ceiling Case No.65 of 1994, both by the Additional Collector, Khagariya, as contained in Annexure-13 and 13/A respectively to the aforesaid interlocutory application.

The learned Senior Counsel appearing on behalf of the petitioners submits that the impugned orders dated 07.03.2015 (Annexure- 13 and 13/A) are final in nature under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (In short land ceiling Act) and neither any appeal nor any revision shall lie against such orders. However, none appears on behalf of the State of Bihar and its functionaries to controvert the aforesaid submissions, though the name of the learned State counsel is printed in the daily cause list.

In view of the aforesaid submissions and in view of the provisions contained in Section 9 of the Bihar Land Tribunal Act, 2009 (In short 'Act, 2009'), this Court is of the considered opinion that the petitioners have an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna constituted under the provisions of the Act, 2009.

It is well settled principles of law that the issues of facts must be raised and conclusively decided by the statutory authorities at the 1st instance 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 with a liberty to the petitioners to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands in question as also the orders impugned.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--