

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8742 of 2014

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1. Awadhesh Singh
2. Uma Shankar Singh
Both Sons of Jai Ram Singh, resident of village - Mishripur, P.S. Sasaram,
District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Land Reform Deputy Collector, Sasaram, Rohtas
3. Most. Bhagia Devi W/o Late Sundar Singh
4. Ganga Singh
5. Ramayodhya Singh
6. Hari Singh
All Sons of Late Sundar Singh
All resident of village - Mirjapur (Dillian), Ward No. 6, P.S. Sasaram,
District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu
For the Respondent nos.1&2 : Miss Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-08-2016 The petitioners are aggrieved by the order dated 03.01.2014 passed in Land Dispute Case No.82 of 2013-14 by the respondent D.C.L.R., Sasaram, as contained in Annexure-1 to the writ petition, whereby the petition filed on behalf of the private respondents under Section 4 of The Bihar Land Disputes Resolution Act, 2009 has been allowed and the petitioners herein have been restrained from creating any hindrance regarding possession of the private respondents over the lands in question.

The learned AC to AAG-3 appearing on behalf of the respondent nos.1 and 2, at the very threshold, has raised the question of maintainability of the present writ petition before this Court at this stage, as according to her, the impugned order is appealable before the prescribed appellate authority.

The submission made by the learned State counsel is correct.

In the considered opinion of this Court, against the order impugned, the petitioners have an alternative and efficacious remedy before the prescribed appellate authority in view of the provisions contained in Section 14 of The Bihar Land Disputes Resolution Act, 2009. It is further relevant to mention here that, against the final appellate order, the aggrieved party will have further 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 petitioners to approach the prescribed appellate authority for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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