

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.882 of 2016

In

Civil Writ Jurisdiction Case No. 22358 of 2013

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Razi Hussain Kabiri S/O Late Khairul Anam, resident of village- Pachna,
P.s.- Sheikhpura, District- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Sheikhpura
2. The Land Reforms Deputy Collector, Sheikhpura
3. The Circle Officer, Anchal Office Chaiwara, Village- Chaiwara, P.S.- Chaiwara, Sheikhpura
4. Syed Safdar Ismail S/O Ismail Nabi, resident of village + P.O.+P.S.- Chewara, Sheikhpura
5. Md. Aslam S/O Md. Abubakar, resident of village- Rakev, P.s.- Chawara, Sheikhpura
6. Ashfarul Haque, S/O Late Anwarul Haque, resident of village- Rakev, P.s.- Chawara, Sheikhpura
7. Roomana Monazir, S/O Anwarul Haque, resident of village- Rakev, PS.- Chawara, Sheikhpura
8. Gozala Firdansh S/O Anwarul Haque, resident of village- Rakev, P.S.- Chawara, Sheikhpura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kamal, Advocate

For the Opp.Party Nos.1 to 3 : Mr. Rajesh Kumar Sinha, AC to GP 25

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-03-2016

Heard the parties.

2. The present MJC application has been filed on behalf of the writ petitioner for modification of the order dated 21.12.2015 passed in CWJC No. 22358 of 2013, whereby the aforesaid writ petition filed on behalf of the petitioner was disposed of as withdrawn with a liberty to him to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands under dispute as also with respect to the order impugned in that proceeding.

3. The learned counsel appearing on behalf of the petitioner submits that in the aforesaid writ petition, order dated

22.08.2013 passed by the respondent Circle Officer. Chaiwara in the district of Sheikhpura was subject matter of challenge and against the aforesaid order, an appeal does lie before the DCLR of the area in terms of Section 7 of The Bihar Land Mutation Act, 2011; therefore, he submits that instead of learned Bihar Land Tribunal, Patna, the petitioner may be permitted to approach the DCLR, Sheikhpura for grant of appropriate relief (s) with respect to the lands under dispute as also with respect to the order impugned.

4. The learned State counsel appearing on behalf of the official respondents does not raise any objection to the prayer made in the present application.

5. In above view of the matter, order dated 21.12.2015 passed in CWJC No. 22358 of 2013 is modified only to the extent that the petitioner shall be at liberty to approach the respondent DCLR, Sheikhpura, instead of the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands under dispute as also with respect to the order impugned in that writ petition.

6. If an appropriate appeal is filed on behalf of the petitioner before the respondent DCLR, Sheikhpura within the extended period of three weeks from today, then the learned DCLR, Sheikhpura shall consider and dispose of the same strictly in accordance with law in the light of the order dated 21.12.2015 passed in CWJC No. 22358 of 2013.

The present MJC application stands allowed to the extent indicated above.

(Birendra Prasad Verma, J)

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