

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19443 of 2012

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Jagat Narayan Singh, S/O Late Ram Ratan Yadav, Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Sub Divisional Officer, Araria
3. Anchal Adhikari, Raniganj, Distt. Araria
4. Bacha Lal Yadav Son Of Late Shiv Lal Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria
5. Santosh Yadav Son Of Late Shiv Lal Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria
6. Smt. Mahawati Devi Daughter Of Late Rewat Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria
7. Mostt. Parwati Devi Daughter Of Late Rewat Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria
8. Tara Devi Daughter Of Late Rewat Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria
9. Suga Devi Daughter Of Late Rewat Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria
10. Sakal Devi Daughter Of Late Rewat Yadav Resident Of Village
Koshkapur, P.S. Raniganj, Distt. Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra, Adv.
Mr. Binod Kumar, Adv.

For the Respondent nos.1to3 : Mr. Rajesh Kumar, AC to GP-3

For the Respondent nos.4to10 : Mr. Ramesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-08-2016 Heard learned counsel for the petitioner as also the
learned counsel appearing on behalf of the respondents.

The petitioner is aggrieved by the order dated
04.09.2012 passed in Case No.8 of 2012-13 by the respondent
S.D.O., Araria, as contained in Annexure-7 to the writ petition,
whereby the aforesaid appeal preferred on behalf of the petitioner
under Section 48-D of the B.T. Act, 1885 and the Rules made
thereunder has been dismissed and the original order dated

25.05.2012 passed by the respondent Anchal Adhikari, Raniganj, as contained in Annexure-6 to the writ petition, allowing the claim of the private respondents raised under Section 48-D of the B.T. Act, has been affirmed.

In the considered opinion of this Court, against the order impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

It is well settled that at the first instance the issues of facts must be raised and conclusively decided by the statutory authorities, and only thereafter the 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 petitioner 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.

If the petitioner approaches the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands in question, after impleading all the necessary parties including the private respondents herein, then the parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the learned Tribunal.

Arvind/-

(Birendra Prasad Verma, J)

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