

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19010 of 2013

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1. Laxmi Rai S/O Late Badari Rai Resident Of Tharuahi, P.S- Laukahi,
Distt- Madhuwani
2. Mishri Lal Safi S/O Late Babulal Safi Resident Of Tharuahi, P.S-
Laukahi, Distt- Madhuwani

.... Petitioner/s

Versus

1. The State Of Bihar Represented Through The Chief Secretary, Govt. Of
Bihar, Old Secretariat Building, Patna.
2. The Deputy Collector Land Reform- Cum- Sub Divisional Magistrate
Phul Parash, (Madhuwani)
3. Circle Officer, Laukahi Circle, P.S- Laukahi, Distt- Madhuwani.
4. Collector- Cum- District Magistrate, Madhuwani.
5. Rakesh Kumar S/O Sri Dharm Narain Sahu Resident Of Village-
Tharuahi, P.S- Laukahi, Distt- Mudhuwani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao, Adv.

For the Respondent/s : Mr. K.P. Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 04-07-2016

Heard Mr. Tilak Sao for the petitioners and the State.

The subject land belongs to the respondent no.5 (land owner). It was declared surplus in the Land Ceiling proceeding at the hands of the land owner. A purcha was issued in respect of part of the subject land in favour of the petitioners inasmuch as the mutation, on prayer, were also allowed. Subsequently, it appears the ceiling proceeding was reopened and the subject land was held exempted under the Bihar Land Ceiling Act. In such circumstances, the respondent no.5, made an application

before the Deputy Collector Land Reforms under the Bihar Land Dispute Resolution Act, 2009 (for short 'the Act') giving rise to Land Dispute case no. 107 of 2012-13.

After hearing both sides, the DCLR passed the order on 26.6.2013 directing the petitioners to remove possession over the subject land. Aggrieved thereby the writ application is filed. The Act itself provides a remedy which is substantive in nature. Instead of doing so, the writ petition has been filed. This Court in the circumstances, declines the relief permitting the petitioners to approach the appellate authority/forum for redressal of their grievance in accordance with law after seeking condonation of delay, if any, on the ground of bonafidely pursuing the remedy in this Court. The writ application is dismissed.

(Kishore Kumar Mandal, J)

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