

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24385 of 2013

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Sarswati Devi Wife of Dineshwar Prasad Gupta, Resident of Village-
Baraguraru, P.S.- Guraru, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The L.R.D.C., Tekari, District- Gaya
3. The Circle Officer, Guraru
4. The S.D.O., Tekari, Gaya
5. Rakesh Kumar Son Of Kauleshwar Prasad, Resident of Village-
Baraguraru, P.S.- Guraru, District- Gaya
6. Mukesh Kumar Son of Kauleshwar Prasad, Resident of Village-
Baraguraru, P.S.- Guraru, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Vijay Anand

For the Respondent No.1 to 4: Mr.M.K. Singh, AC to SC-6

For the respondent No. 5 & 6: Mr. Arun Kumar

Mr. Sanjay Kr. Sharma

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 06-01-2016

Heard the parties.

The petitioner is aggrieved by the order dated 30.03.2013 passed in Land Dispute Resolution Case No. 108 of 2012 by the respondent D.C.L.R., Tekari, Gaya (Annexure-10).

Indisputably, the impugned order is appealable in view of the provisions contained in Section 14 of The Bihar Land Disputes Resolution Act, 2009 (In short 'Act, 2009'). Against the appellate order 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.

It is well settled that the issues of facts must be raised and conclusively decided by the statutory authorities and only thereafter the powers of judicial review under Article 226 of the Constitution of India of the High Court may be invoked. In the

present case without exhausting the alternative statutory remedies available to the petitioner, she has straightaway come to this Court in the present proceeding filed under Article 226 of the Constitution of India.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the appellate authority prescribed under the Act, 2009 for redressal of her valid grievances.

It goes without saying that if such an appeal is filed on behalf of the petitioner, then the same shall be considered and decided strictly in accordance with law without being prejudiced by dismissal of the present writ petition.

The parties shall be at liberty to raise all the issues of facts and law before the appellate authority, which may be available to them, with respect to the lands in question.

(Birendra Prasad Verma, J)

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