

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4897 of 2014

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Hari Mohan Pandey S/O Late Mahendra Pandey, Resident of Village-Turkahan Tola, P.O- Gopalganj, P.S- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Land Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Additional Collector, Gopalganj.
5. The Deputy Collector, Land Reforms, Gopalganj.
6. The Circle Officer, Gopalganj.
7. Rama Ballav Mishra
8. Rajendra Mishra, All 7 and 8 Sons of Late Shiv Pujan Mishra, Resident of Village- Jangalia, Ward No. 9, Gopalganj, P.O and P.S And District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-06-2016 Heard the learned counsel appearing on behalf of the petitioner. However, none appears on behalf of the respondents though the name of the learned State counsel is printed in the daily cause list.

The petitioner has filed the present writ petition seeking a direction to the respondent Additional Collector, Gopalganj to pass appropriate orders under Section 9 of The Bihar Land Mutation Act, 2011 (In short 'Act, 2011') with respect to the lands in question, fully detailed in paragraph-4 of the writ petition.

Though, the learned counsel, appearing on behalf of the petitioner, has argued the matter at some length, but despite repeated queries he has not been able to show that the petitioner has filed any petition before the respondent Additional Collector, Gopalganj under Section 9 of the Act, 2011 for grant of appropriate reliefs.

From the facts noticed above, it is apparent that without

approaching the statutory authority for grant of appropriate reliefs under Section 9 of the Act, 2011, the petitioner has straight away come to this Court in the present proceeding filed under Article 226 of the Constitution of India.

In view of the fact that the petitioner has not approached the statutory authority as prescribed under Section 9 of the Act, 2011 and further in view of the fact that the prescribed statutory authority has not rejected his claim, no writ can be issued at this stage. The writ petition seems to be premature and misconceived at this stage.

However, in the facts and circumstances of the case, the present writ petition is disposed of with a liberty to the petitioner to file an appropriate petition under Section 9 of the Act, 2011 before the prescribed statutory authority for grant of appropriate reliefs with respect to the lands in question. If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the prescribed statutory authority shall decide the case of the petitioner strictly in accordance with law, but before passing any final order opportunity of hearing must be given to all concerned including the petitioner and the private respondent no. 7 and 8, besides others, if any.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner with respect to the lands in question and this is left to be decided by the prescribed statutory authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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