

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1480 of 2016

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1. Kamal Narain Jha, son of Late Gokul Jha, resident of Mohalla- Gautam Nagar, Gangjala Ward No. 17, Saharsa
 2. Anil Kumar Singh, son of Late Vashishta Narayan Singh, resident of village- Sadiyahi, P.S.- Simari Bakhtiyapur, District- Saharsa
 3. Shyamsundar Singh, son of Late Phuleshwar Singh, resident of village- Bhaddi, P.S.- Saur Bazar, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Koshi Division, Saharsa
3. The District Magistrate, Saharsa
4. The Deputy Collector Land Reforms (D.C.L.R.), Saharsa
5. The Sub Divisional Officer, Sadar Saharsa, District- Saharsa
6. The Superintendent of Police, Saharsa
7. The S.H.O., Saharsa Sadar Police Station, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-06-2016

Heard the parties.

The grievance of the petitioners in the present writ petition, filed under Article 226 of the Constitution of India, is that despite the order dated 24.10.2014 passed in Land Dispute Case No.1/14 by the respondent D.C.L.R., Sadar Saharsa-cum-Competent Authority in exercise of his powers under Section 4 of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009'), the possession is not being given to the petitioners over the lands in question.

For the reliefs sought for on behalf of the petitioners in the present writ petition, they have an alternative remedy before the competent authority himself under the provisions of the Section 15 of the Act, 2009.

In above view of the matter, the petitioners are granted liberty to file an appropriate petition under Section 15 of the Act, 2009 before the competent authority himself for grant of appropriate relief(s).

If such a petition is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the respondent D.C.L.R., Sadar Saharsa-cum-Competent Authority shall register a case under the provisions of the Act, 2009 and shall pass appropriate final order for grant of appropriate relief(s) to the petitioners in accordance with the provisions contained in Section 15 of the Act, 2009 and the Rules made thereunder. All endeavours shall be made to dispose of the aforesaid proceeding/ case at an early date preferably within a period of three months from the date of filing of such petition by the petitioners. However, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners, the authorities of the respondent State and the private individuals, if any.

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

(Birendra Prasad Verma, J)

Arvind/-

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