

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11602 of 2011**

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1. Sriman Tiwari S/O Late Sarjug Tiwary, R/O Vill.- Pachpokhari, P.S.- Nokha, Distt.- Rohtas
  2. Kamta Prasad Singh S/O Sri Laxmi Singh, R/O Vill.- Pachpokhari, P.S.- Nokha, Distt.- Rohtas

.... .... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Deptt. of Revenue, Bihar, Patna
2. Director, Consolidation, Sasaran
3. Dy. Director Consolidation, Sasaram
4. Consolidation Officer, Nokha, Distt.- Rohtas
5. District Magistrate Rohtas
6. Assistant Consolidation Officer, Nokha, Rohtas
7. Shri Sudarshan Tiwari S/O Late Singhasan Tiwari, R/O Vill.- Pachpokhari, P.S.- Nokha, Distt.- Rohtas
8. Shri Bindeshwari Singh S/O Late Harihar Singh, R/O Vill.- Pachpokhari, P.S.- Nokha, Distt.- Rohtas
9. Shri Manoj Tiwari S/O Late Srinivas Tiwari, R/O Vill.- Pachpokhari, P.S.- Nokha, Distt.- Rohtas
10. Shri Durganand Tiwari S/O Late Indradeo Tiwari, R/O Vill.- Pachpokhari, P.S.- Nokha, Distt.- Rohtas

.... .... Respondent/s

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**Appearance :**

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

For the Respondent No. 1 to 6 : Mr. Anisul Haque, AC to AAG-9

For the Respondent No. 7 to 10 : Mr. K.N. Choubey, Sr. Advocate  
Mr. Ashok Kumar garg  
Mr. Ambuj Nayan Choubey  
Mr. Yogendra Kumar Dwivedi

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      03-02-2016      The petitioners have filed the present writ petition assailing the validity and correctness of the order dated 19.05.2011 issued by the Director of Consolidation, Bihar, Patna, as contained in Annexure-5 to the writ petition, whereby the Deputy Director of Consolidation, Rohtas has been directed to prepare a fresh draft chak for the Mauza in question in terms of Section 12(B) of The Bihar Consolidation of Holdings and Prevention of Fragmentation

Act, 1956.

This matter was listed yesterday i.e. 2<sup>nd</sup> February, 2016 under the heading “For Admission”. However, none appeared on behalf of the petitioners, yet by an oral order the matter was simply passed over for the day. Even today none is appearing on behalf of the petitioners to press the present writ petition, though the name of the learned counsel appearing on behalf of the petitioner is printed in the daily cause list.

The learned Senior counsel appearing on behalf of the respondent no. 7 to 10, on the other hand, submits that if the petitioners are at all aggrieved by the impugned order dated 19.05.2011, then they have an alternative and equally 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.

The learned State counsel appearing on behalf of the respondent no. 1 to 6 has adopted the submissions made by the learned Senior counsel appearing on behalf of the respondent no. 7 to 10.

The submissions made by the learned senior counsel appearing on behalf of the respondents appear to be correct.

Section 9 of The Bihar Land Tribunal, Act, 2009 provides that if there is no other forum of appeal or revision available against the order passed by the statutory authority under the provisions of the Act/ Manuals, mentioned therein, then in that case the Tribunal would have jurisdiction to entertain any application against such final order.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioners to approach

the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands in question as also with respect to the order impugned.

**Later-on**

When the order was already dictated, the learned counsel appearing on behalf of the petitioners appears and submits that he may not have any quarrel with the order passed by this Court, but his presence may be marked.

In above view of the matter, earlier part of the order stands modified only to the extent that the learned counsel for the petitioners is present and he advanced his submission.

**(Birendra Prasad Verma, J)**

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