

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16483 of 2010

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Bigu Sah S/O Late Chalitra Sah, R/O Vill.- Chandiha Bakhar, P.S.-
Purnahiya, Distt.- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Sheohar
3. The Additional Collector, Sheohar
4. The Deputy Collector, Land Reforms, Sheohar
5. The Circle Officer, Purnahiya Block, Distt.- Sheohar
6. Ramshresth Sah S/O Late Anup Sah, R/O Vill.- Chandiha Bakhar, P.S.-
Purnahiya, Distt.- Sheohar
7. Savitri Devi W/O Late Madhusudan Mishra, R/O Vill.- Chandiha
Bakhar, P.S.- Purnahiya, Distt.- Sheohar
8. Veena Devi W/O Lakshman Sah, R/O Vill.- Chandiha Bakhar, P.S.-
Purnahiya, Distt.- Sheohar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Respondent No.1 to 5 : Mr. Neeraj Raj, A.C to G.A. 8
For the Respondent No.6 : Mr. Sujeet Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 01-08-2016 The petitioner is aggrieved by the order dated 12.09.2008 passed in Pre-emption Appeal No. 2 of 2008 by the respondent Additional Collector, Sheohar, as contained in Annexure-1 to the writ petition, whereby the aforesaid appeal filed on behalf of the petitioner under Section 30 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (In short 'Land Ceiling Act') has been dismissed and the order dated 13.03.2008 passed by the original authority, as contained in Annexure-4 to the writ petition allowing the claim of pre-emption raised on behalf of the respondent no. 6 with respect to the lands in question has been affirmed.

Apparently, claims raised on behalf of the petitioner

with respect to the lands in question have been rejected by the original authority as also the appellate authority.

The learned State counsel appearing on behalf of the respondent no. 1 to 5 and the learned counsel appearing on behalf of the respondent no. 6 are unanimous in their submissions that against the impugned appellate order, the petitioner has an alternative remedy under Section 32 of the Land Ceiling Act before the Revision authority. According to them, on that ground alone the writ petition is liable to be dismissed at this stage.

Submissions made by the learned counsel appearing on behalf of the respondents appear to be correct.

Against the impugned appellate order, the petitioner has an alternative and efficacious remedy before the Revisional authority in terms of Section 32 of the Land Ceiling Act.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the revisional authority for grant of appropriate relief(s) with respect to the lands in question as also the orders impugned.

(Birendra Prasad Verma, J)

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