

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13849 of 2010

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1. Rupesh Kumar S/O Sri Indranand Sah R/O Vill.- Abjuganj, P.O.-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur

2. Ritesh Kumar S/O Sri Indranand Sah R/O Vill.- Abjuganj, P.O.-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

2. The District Magistrate-cum-Collector, Bhagalpur

3. The Deputy Collector, Land Reforms, Bhagalpur

4. The Circle Officer, Sultanganj, Bhagalpur

5. Sanjeev Kumar S/O Sri Shiv Shankar Prasad Sah, R/O Vill. + Post-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur

6. Sakhichand Sah S/O Late Mahavir Sah R/O Vill.- Hasanganj, P.S.-
Mojahidpur, Distt.- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 to 4 : Mr.Mritunjay Kumar, AC to GP 12

For the Respondent No. 5 : Mr.Sharda Nand Mishra, Advocate
Mr.Dhananjay Kr.Gupta, Advocate
Mr.Deepak Kumar, Advocate
Mr.Rajib Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-08-2016 The petitioners are aggrieved by order dated 30.12.2009 passed in Mutation Revision Case No. 161 of 2002-03 by the respondent District Collector, Bhagalpur, as contained in Annexure-4 to the writ petition, whereby the aforesaid mutation revision case filed on behalf of the respondent no.5 has been allowed and the orders passed by the appellate authority as also the original authority have been set aside.

At the very outset, the learned AC to GP 12, appearing on behalf of the respondent nos. 1 to 4 as also the learned counsel appearing on behalf of the respondent no. 5, submit that against the impugned revisional order, the petitioners have an alternative and efficacious remedy before the learned

Bihar Land Tribunal, Patna; therefore, on that ground alone the writ petition is fit to be dismissed.

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

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 of the High Court under Article 226 of the Constitution of India may be invoked.

Indisputably, against the impugned order dated 30.12.2009 (Annexure-4), the petitioners have an alternative and 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.

In above view of the matter, the present writ petition is dismissed, but liberty is granted to the petitioners to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to lands in question as also the order impugned.

(Birendra Prasad Verma, J)

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