

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3227 of 2015

In

Civil Writ Jurisdiction Case No. 14454 of 2012

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1. Harihar Mahto, S/o - Late Keshaw Mahto
2. Saraswati Devi W/o - Harihar Mahto
Both Resident of Village - Baraki Kharari, P.O. - Baraki Kharari, P.S. -
Kargahar, District - Rohtas (O.P.s).

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Rohtas at and P.O. Sasaram,
District - Rohtas.
2. The Land Reforms Deputy Collector, Sasaram, District - Rohtas,
Sasaram.
3. Khushi Kumari Minor daughter of Late Lal Bihari Singh, through Anita
Devi mother and Natural Guardian
4. Anita Devi Widow of Late Lal Bihari Singh Residents of Village - Baraki
Kharari, P.O. - Baraki Kharari, P.S. - Kargahar, District - Rohtas , Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-06-2016

MJC No.3227 of 2015

The present MJC application has been filed on behalf of the petitioners for restoration of CWJC No.14454 of 2012, which stood dismissed for want of prosecution by an order dated 30.09.2015.

For the reasons disclosed in the present application, the prayer for restoration is allowed and CWJC No.14454 of 2012 is restored to its original file.

The present MJC application stands finally disposed of with the observations and directions made above.

CWJC No.14454 of 2012

On the request made by the learned counsel

appearing on behalf of the petitioners, the main writ petition has been taken up for consideration on merits.

The petitioners are aggrieved by the order dated 13.03.2012 passed in Land Dispute Case No.8 of 2011-12 by the respondent DCLR, Sasaram (Annexure-3), whereby in exercise of his powers under Section 4 of The Land Disputes Resolution Act, 2009 (in short 'Act, 2009') he has allowed the claim of the private respondent nos.3 and 4 with respect to the lands in question mentioned in the impugned order.

On the query made by this Court, the learned counsel appearing on behalf of the petitioners has fairly conceded that the order impugned is appealable under Section 14 of the Act, 2009.

In above view of the matter, he seeks permission to withdraw the present writ petition with a liberty to approach the prescribed appellate authority under the provisions of the Act, 2009 for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is observed that, if the petitioners file an appropriate appeal before the prescribed appellate authority within a period of four weeks from today with a certified copy of the present order and, if it is found to have become barred by limitation and, if any petition is filed by the petitioners for condonation of such delay, then the appellate authority shall take into consideration that on a bonafide legal advice the present writ petition was filed before this Court on 07.08.2012 and on the one way or the other the matter remained pending before this Court till

date.

It is further clarified that before passing any final order, an opportunity of hearing must be given to the respondent nos. 3 and 4, besides the petitioners, by the appellate authority.

(Birendra Prasad Verma, J)

Arvind/-

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