

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15000 of 2014

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1. Kunti Devi Wife of Yadav Lal Sahni, Resident of Village- Pachtaki Yadu, P.S. Bairganiya, District Samastipur
 2. Shiv Shankar Prasad Son of Late Devi Sah, Resident of Village- Bel Emarbana, P.S. Bairganiya, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Sitamarhi
3. The Sub-Divisional Officer, Sitamarhi
4. The Circle Officer, Bairganiya, Dist. Sitamarhi
5. Madan Mallick Son of Late Banaras Mallick
6. Rajaram Mallick Son of Late Asharfi Mallick
7. Yogendra Mallick Son of Late Asharfi Mallick
8. Manoj Mallick Son of Yogendra Mallick
9. Bhola Mallick Son of Jhulmi Mallick
10. Chhabila Mallick Son of Jhulmi Mallick Respondent No. 5 to 10 Resident of Village- Pachtaki Yadu, P.S. Bairganiya, District Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-08-2016 Heard the learned counsel appearing on behalf of the petitioners. None appears on behalf of the respondents, though the name of the learned State counsel appearing on behalf of the respondent no. 1 to 4 is printed in the daily cause list.

The petitioners are aggrieved by the final order passed by the Circle Officer, Bairganiya, District Sitamarhi in Basgit Parcha Case No. 1 of 2011-12, whereby claim raised on behalf of the private respondents under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (In short Act, 1947) has been allowed.

In the considered opinion of this Court, against the order impugned the petitioners have an alternative and efficacious

remedy before the respondent District Collector, Sitamarhi in view of the provisions contained in Section 21 of the Act, 1947.

In above view of the matter, at this stage, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the District Collector, Sitamarhi in terms of Section 21 of the Act, 1947 for grant of appropriate relief(s) with respect to the lands claimed by them.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners with respect to the lands in question claimed by them and this is left to be decided by the District Collector, Sitamarhi strictly in accordance with law. However, before passing any final order, opportunity of hearing must be given to all concerned including the petitioners and the private respondent no. 5 to 10, besides others, if any.

(Birendra Prasad Verma, J)

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