

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12720 of 2011

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Bipin Singh son of Tapeswar Singh, resident of Village Agraban, Police
Station Chauthan, District Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Khagaria
3. The Deputy Collector, Land Reforms, Khagaria
4. Murari Prasad Singh son of Late Surendra Prasad Singh, resident of
village Chautham, Police Station Chautham, District Khagaria
5. Prabhakar Singh son of Kapildeo Singh, resident of Village Agraban,
Police Station Chautham, District Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 to 3: Mr. Satya Prakash, AC to SC 22

For the Respondent Nos. 4 & 5: Mr. Rakesh Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-08-2016

The petitioner is aggrieved by order dated 03.03.2011 passed in Bataidari Case No. 15 of 2009 by the respondent DCLR, Khagaria, as contained in Annexure-3 to the writ petition, whereby the petition filed on behalf of the petitioner under Section 48E(1) of the Bihar Tenancy Act, 1885 has been rejected at the very threshold without referring the matter to the duly constituted Bataidari Board.

Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on his behalf is printed in the daily cause list.

The learned counsel appearing on behalf of the respondents, on the other hand, submits that against the order impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna; therefore, the writ petition is liable to be dismissed on that ground alone.

After going through the impugned order dated 03.03.2001, this Court is of the opinion that the submissions made on behalf of the respondents are correct and against the order impugned, the petitioner has 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 petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

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