

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5577 of 2012

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Tirth Lal Mistri S/O Late Ganga Mistri R/O Village- Banaili Singhiya, P.S.-
Kasba, Anchal- Kasba, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. The Collector, Purnea
3. The Circle Officer, Kasba Anchal, Purnea
4. Sri Chirangi Lal Bishwas S/O Late Ganga Bishwas R/O Village-
Singhiya Banaili, P.S.- Kasba, Anchal- Kasba, District-Purnea
5. Sri Jagdish Prasad Mandal S/O Late Ayodhya Prasad Mandal R/O
Village - Madhubani, P.S.-Udakishanganj, District- Madhepura, at present
residing at Village- Banaili, P.S.- Kasba, Distt.-Purnea
6. Sri Sitaram Mandal S/O Late Gena Mandal R/O Village - Madhubani,
P.S.-Udakishanganj, District- Madhepura, at Present residing at Village-
Banaili, P.S.- Kasba, Distt.-Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
Mr.Kulanand Jha, Advocate

For the Respondent Nos. 1 to 3 : Mr.Mani Madhav, ACa to GA 4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-04-2016

Heard the parties.

The petitioner is aggrieved by order dated 30.03.2011 passed in Revenue Revision Case No. 43 of 2006 by the respondent District Collector, Purnea (Annexure-3), whereby aforesaid Revenue Revision case filed on behalf of the petitioner under Section 21 of The Bihar Privileged Persons Homestead Tenancy Act, 1947 has been dismissed.

In the considered opinion of this Court, 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 with respect to the order impugned.

It is clarified that if any of the parties has died during the pendency of the present writ petition, then while filing a petition before the learned Bihar Land Tribunal, Patna the petitioner shall implead the heirs and legal representatives of such deceased person as party respondent and if such a proceeding is brought, then the same shall be taken to its logical conclusion in accordance with law treating such deceased person to have been substituted by the order of this Court.

(Birendra Prasad Verma, J)

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