

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15470 of 2014

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Arvind Ram S/o Late Gauri Shankar Ram, R/o village Gwalpara, P.S.
Gawalpadra, District- Madhepura, Bihar Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Secretary, Agriculture, Government of Bihar
4. The Commissioner, Kosi Division, Saharsa
5. The District Magistrate, Madhepura
6. The DCLR, Udakishunganj, Madhepura
7. The District Agriculture Officer, Madhepura
8. The Block Agriculture Officer, Gwalpara, Madhepura
9. The Block Program Officer, Gwalpara, Madhepura
10. The Circle Officer, Gwalpara, Madhepura
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
Mr. Avinash Shekhar, Advocate
For the Respondents/s : Mr. Sajid Salim Khan, SC 25

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-11-2016 Heard the learned counsel appearing on behalf of the
petitioner and the learned SC 25 appearing on behalf of the
respondents.

The petitioner is essentially aggrieved by the order dated 28.07.2014 passed in Land Dispute Case No. 214 of 2013-14 by the respondent D.C.L.R., Udakishunganj, as contained in Annexure-12 to the writ petition, whereby aforesaid case filed on behalf of the petitioner under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short “the Act, 2009”) for grant of appropriate relief to the petitioner with respect to the lands claimed by him has been disposed of.

The learned SC 25, at the very outset, has raised the question of maintainability of the present writ petition at this stage on the ground that the impugned order is appealable under the provisions of the Act, 2009.

The submissions made by the learned SC 25 appears to be correct. Indisputably, the impugned order dated 28.07.2014 passed by the respondent DCLR, Udakishunganj, as contained in Annexue-12 to this writ petition, is appealable before the prescribed appellate authority in terms of Section 14 of the Act, 2009. Not only that, against the final order passed by the appellate authority, the aggrieved person(s) will have further remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009. Apparently, the petitioner has not exhausted all the alternative remedies available to him.

In above view of matter, at this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the prescribed appellate authority for grant of appropriate relief(s) to the petitioner with respect to the lands in question.

Permission is accorded.

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

If an appropriate appeal is filed on behalf of the petitioner within a period of three 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 on behalf of the petitioner for condonation of such delay, then the learned prescribed appellate authority shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 05.09.2014 and that remained pending till date.

(Birendra Prasad Verma, J)

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