

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8478 of 2015

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1. Inamul Haque son of late Ramzan Ali.
 2. Yazdanul Haque Son of late Ramzan Ali.
 3. Qamruzzama Son of late Asiruddin.
 4. Md. Perwez Alam son of late Jaseemuddin.
 5. Shakeel Ahamad Son of Late Wasi Ahmad.
 6. Md. Badiuzzama Son of late Azirul Haque.
 7. Md. Shamsher Alam son of late Md. Ismail. All resident of Village-marar. Police Station- Morkahi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Commissioner, Kosi Division, Saharsa.
4. The District Magistrate -cum- Collector, Saharsa.
5. The S.D.O. Simri Bakhtiyarpur, Saharsa.
6. The D.C.L.R., Simri Bakhtiyarpur, Saharsa.
7. The Anchal Adhikari, Salkhua, Anchal, District Saharsa.
8. The Bhoodan Yagna Committee through its Mantari having its office at Saharsa near Saharsa College, P.s Saharsa, District Saharsa.
9. The Superintendent of Police, Saharsa.
10. The Officer Incharge, Salkhua, P.s District Saharsa.
11. The Officer Incharge, Chiraiya, O.p. Police station- Salkhua, District Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Nazmul Hooda

For the Respondent no.1 to 7 and 9 to 11: Dr. Raj Kumar Singh, AC to SC-8

For the Respondent No. 8: Mrs. Alka Verma

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-06-2016 Heard the parties.

Indisputably, for redressal of their valid grievances with respect to the lands in question, fully detailed in paragraph-4 of the writ petition, the petitioners filed a petition under Section 4 of The Bihar Land Disputes Resolution Act, 2009 (In short 'Act, 2009') before the respondent D.C.L.R., Simri Bakhtiyarpur (Saharsa), the competent authority, which gave rise to Case No.

228 of 2013, but the aforesaid case was finally dismissed by order dated 25.02.2015 (Annexure-5) with a liberty to the parties to approach the civil court of competent jurisdiction for grant of appropriate reliefs.

Admittedly, the aforesaid order dated 25.02.2015 (Annexure-5) is appealable before the Divisional Commissioner in terms of Section 14 of the Act, 2009.

The learned counsel appearing on behalf of the petitioners submits that, in fact, the petitioners have filed an appeal vide B.L.D.R. Case No. 71 of 2015 before the Commissioner, Koshi Division, Saharsa, but their appeal is not being taken up for final disposal and the matter is still pending before the appellate authority and in the meantime efforts are being made to dispossess the petitioners from the lands in question.

In view of nature of grievances raised on behalf of the petitioners and in view of the fact that their appeal is still pending before the respondent Commissioner, Koshi Division, Saharsa, the present writ petition is disposed of with a direction to the Commissioner (Respondent no.3) to take up the aforesaid Appeal No. 71 of 2015 filed on behalf of the petitioners on priority basis and all endeavours should be made to dispose of the same at an early date preferably within a period of three months from the date of production of a copy of the present order. However, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners and the private respondents, if any.

The parties shall be at liberty to raise all the pleas, which may be available to them with respect to the lands in question, in

the aforesaid pending appeal.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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