

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10459 of 2015

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Onkar Prasad Mahto @ Om Kumar Singh son of Late Ram Chandra Prasad
Mahto @ Sri Prasad Mahto, residnt of Village- Amarpur, P.O.- Amarpur,
P.S.- Medani Chouki, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms
Department, Government of Bihar, Patna.
2. The Principal Secretary, Land Reforms Department, Government of
Bihar, Patna.
3. The Commissioner, District- Munger
4. The Collector, Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate

For the Respondent/s : Mr. Pratik Kr. Sinha, AC to AG 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-12-2016 Heard the learned counsel appearing on behalf of the
petitioner and the learned AC to GA 5, appearing on behalf of the
respondents.

The petitioner is aggrieved by the order dated
30.03.2015 passed in Land Ceiling Case No. 35 of 1975-76/35 of
1995-96 by the respondent District Collector, Lakhisarai, as
contained in Annexure-4 to the writ petition, whereby the claim
raised on behalf of the petitioner in the aforesaid land ceiling case
has been rejected.

At the very outset, the learned State counsel appearing
on behalf of the respondents raises the question of maintainability
of the present writ petition on the ground that the petitioner has
not exhausted the remedy of appeal and revision provided under
the provisions of The Bihar Land Reforms (Fixation of Ceiling
Area and Acquisition of Surplus Land) Act, 1961 (in short, the
Act”). Therefore, according to him, the writ petition at this stage is



not maintainable and is fit to be dismissed.

In view of the aforesaid objection raised by the learned State counsel, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to file an appropriate appeal in terms of Section 30 of the Act before the prescribed appellate authority.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It goes without saying that if an appropriate appeal is filed on behalf of the petitioner after impleading all the necessary parties including the parcha holders, if any, within a period of four 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 16.07.2015 and that remained pending till date.

It further goes without saying that the parties shall be at liberty to raise all the issues of facts and law with respect to the land ceiling case in question before the prescribed appellate authority.

(Birendra Prasad Verma, J)

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