

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7043 of 2007

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Md.Zafar Imam, son of late Md. Hanif, resident of village-Govindpur, P.S.-
Amdabad, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary of Land Reforms Department,
Government of Bihar, Patna.
2. The Collector of Katihar, District-Katihar.
3. The Circle Officer of Amdabad Block, District-Katihar.
4. Bibi Salgun, wife of Sk. Rauf, resident of village-Govindpur, P.S.-
Amdabad, District-Katihar.
5. Officer Incharge of Amdabad Police Station, District-Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md.Helal Ahmad
Mr. Naushad Akhtar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-07-2016 The petitioner is aggrieved by the order dated 23.07.2002 passed in Homestead Parcha Case No.2 of 2002-03 by the respondent Circle Officer, Amdabad, as contained in annexure-1 to the writ petition, whereby the claim raised on the behalf of the respondent no.4 for grant of homestead parcha with respect to the lands in question, mentioned in paragraph 1 of the writ petition itself, under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act 1947'), has been allowed and the consequential homestead parcha vide Annexure-1 has been issued to the respondent no.4.

In the considered opinion of this Court, against the order impugned, the petitioner has an alternative and efficacious remedy before the District Collector, Katihar under the provisions of Section 21 of the Act, 1947, but the petitioner, without approaching the respondent District Collector, has straightaway filed the present writ petition before this Court raising certain

disputed questions of facts.

It is well settled that the issues of facts must be raised and conclusively decided, at the first instance, by the statutory authorities and only thereafter powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the District Collector, Katihar under the provisions of Section 21 of the Act, 1947 for grant of appropriate relief(s) with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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