

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8151 of 2015

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Digamber Sah, son of Late Basudeo Sah, resident of village- Birgaon Tola Tapra, P.O.-Chara, P.S.- Murliganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, Madhepura.
3. The Circle Officer, Gwalpara, District- Madhepura.
4. Samundar Rishideo @ Ram Sundar Rishideo, son of Late Chhatoo Rishideo, resident of village-Birgaon, Tola- Tapra, P.O.-Chatra, P.S.- Murliganj, Achal- Gwalpara, District- Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent nos.1to3 : Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-09-2016 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the names of the learned counsel appearing on his behalf are printed in the daily cause list. However, I have heard the learned AC to SC-18 appearing on behalf of the respondent nos.1 to 3.

The petitioner is aggrieved by the order dated 06.02.2015/07.03.2015 passed in Homestead Parcha Revision Case No.15 of 2004 by the respondent District Collector, Madhepura, as contained in Annexure-7 to the writ petition, whereby, the aforesaid case filed on behalf of the petitioner purportedly under Section 21 of The Bihar Privileged Persons Homestead Tenancy Act, 1947 has been dismissed and the order passed by the original authority has been affirmed.

The learned AC to SC-18 appearing on behalf of the respondent nos.1 to 3 has raised the question of maintainability of the present writ petition at this stage. According to him, the

petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna.

The submissions made by the learned State counsel appear to be correct.

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 a 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 the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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