

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12941 of 2012

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1. Ram Sewak Tanti, Son of Late Ram Avtar Tanti
2. Manoj Tanti, Son of Late Sagar Tanti
Both Resident of Village - Mauji, P.S. Hasanpur District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar, through the Collector, Samastipur, District - Samastipur
2. The Collector, Samastipur at Samastipur District - Samastipur
3. The Anchaladhikari, Hasanpur, At Hasanpur P.S. Hasanpur , District - Samastipur
4. Jagdish Tanti, Son of Late Sahdeo Tanti, Resident of Village - Mauji, P.S. Hasanpur District - Samastipur
5. Mosmat Sampatia Devi Wife of Late Sagar Tanti Resident of Village - Mauji, P.S. Hasanpur District - Samastipur
6. Anil Tanti Son of Late Sagar Tanti Resident of Village - Mauji, P.S. Hasanpur District - Samastipur
7. Sunil Tanti Son of Late Sagar Tanti Resident of Village - Mauji, P.S. Hasanpur District - Samastipur
8. Bhim Tanti Son of Late Sagar Tanti Resident of Village - Mauji, P.S. Hasanpur District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent nos.1to3 : Mr. Abbas Haider, SC-6
Mr.Hussain Majeed, AC to SC-6
For the Respondent nos.4to8 : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-08-2016 Despite repeated calls, none appears on behalf of the petitioners in support of the present writ petition. None appears on behalf of the respondent nos.4 to 8 either, though notices were issued to them by a Bench of this Court earlier. However, I have heard the learned SC-6 appearing on behalf of the respondent nos.1 to 3.

The petitioners are aggrieved by the order dated 27.03.2012 passed in Case No.5 of 2011 by the respondent District Collector, Samastipur, as contained in Annexure-2 to the writ

petition, whereby the aforesaid case filed on behalf of the respondent no.4 under Section 21 of The Bihar Privileged Persons Homestead Tenancy Act, 1947 was allowed and the order passed by the Circle Officer, Hasanpur in favour of the petitioners was set aside.

The learned SC-6 appearing on behalf of the respondent nos.1 to 3, on the very threshold, raised the question of maintainability of the present writ petition before this Court at this stage on the ground of availability of an alternative and efficacious remedy to the petitioners before the learned Bihar Land Tribunal, Patna.

The objection raised by the learned SC-6 is upheld.

In the considered opinion of this Court, against the order impugned, the petitioners have 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 petitioners 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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