

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15204 of 2013

With

Interlocutory Application No.540 of 2015

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1. Nago Yadav

2. Sukhdeo Yadav

3. Laloo Yadav

4. Sudhir Yadav

All Sons Of Late Darogi Gope, Resident Of Village Pubi Guzuldih Kewal,
P.S. Gidhaur, District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Cum Collector, Jamui

2. The Dy., Collector, Land Reforms, Jamui

3. Circle Officer, Giddhaur, Jamui

4. Asho Yadav

5. Munshi Gope

Both Sons Of Jago Gope, Resident Of Village Guguldih Kewal, P.O.
Guguldih, P.S. Gidhaur, District- Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s

: Mr. Ratan Kumar Sinha, Adv.

Mr. Kartik Kumar Sinha, Adv.

Mrs. Mala Sinha, Adv.

For the Respondent nos.1to3

: Mr. Anil Kumar Verma, AC to AAG-9

For the Respondent no.5

: Mr.Sourendra Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 05-09-2016

Heard the parties.

The petitioners are aggrieved by the order dated 06.02.2013 passed by the respondent District Collector, Jamui in Revision Case No.1 of 2008 (wrongly described as Jamabandi Correction Appeal Case No.1 of 2008), as contained in Annexure-4 to the writ petition, whereby the aforesaid revision case filed on behalf of the father of the petitioners has been dismissed and the orders passed by the respondent Circle Officer, Gidhaur as also the respondent D.C.L.R., Jamui, being the original and appellate authority respectively, have been affirmed.

At the very outset, the learned counsel appearing on behalf of the respondent no.5 has raised the question of maintainability of the present writ petition at this stage. According

to him, 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 short 'Act, 2009').

The submissions made by the learned counsel appearing on behalf of the respondent no.5 appear to be correct.

The order impugned has been passed by the respondent District Collector, Jamui in exercise of his revisional powers under Section 8 of The Bihar Land Mutation Act, 2011. Against this order, 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 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 an appropriate relief with respect to the lands in question.

In I.A. No.540 of 2015, it has been stated that the respondent no.4 has passed away leaving behind his heirs and legal representatives, fully detailed in paragraph 4 of the aforesaid Interlocutory Application.

In above view of the matter, if an appropriate petition is filed on behalf of the petitioner before the learned Bihar Land Tribunal, Patna, after impleading the heirs and legal representatives of the deceased respondent no.4, then they shall be allowed to contest the matter by treating that they have been substituted by the orders of this Court.

The I.A.No.540 of 2015 also stands accordingly disposed of.

Arvind/-

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(Birendra Prasad Verma, J)