

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.139 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 21230 of 2013**

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Kashi Singh Son of late Muneshwar Bhagat Resident Of Village - Koyladewa, Tola
- Semarbari, P.S. Phulwaria, District - Gopalganj

.... Appellant/s

Versus

1. The State Of Bihar Through Collector, Gopalganj, District - Gopalganj
2. Bihar Bhoodan Yagna, Committee, Road No. 34 Gardanibagh, Patna, P.S. Gardanibagh, District - Patna Through Its Chairman
3. Chairman, Bihar Bhoodan Yagna, Committee, Road No. 34 Gardanibagh, Patna, P.S. Gardanibagh, District - Patna
4. Officer - Secretary, District - Bhoodan Yagna Committee, Arar More, Gopalganj, P.S. And District - Gopalganj
5. Ram Sevak Singh son of late Sukhar Singh Resident Of Village - Koyaldewa, Tola - Semarbari, P.S. Phulwaria, District - Gopalganj

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Prasad Bhakta

For the Respondent/s : Mr. Prem Ranjan Kumar, A.C. to AAG IX

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-02-2017

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order dated 17th December, 2015 passed by the learned Single Bench of this Court in C.W.J.C. No. 21230 of 2013 whereby, the writ petition was dismissed with liberty to the appellant to avail alternative and efficacious remedy under section 17A of the Bihar Bhoodan Yagna Act, 1954 (hereafter called the Act).

3. Argument of the learned counsel for the appellant is that allotment of land was made in his favour but without cancellation



of that allotment, another allotment has been made in favour of respondent no. 5. Since there is no order but only an allotment in favour of respondent 5, therefore, he will not have a remedy under Section 17-A of the Act.

4. We do not find any merit in the argument. The allotment itself can be challenged by the appellant on the ground that he is the previous allottee and there cannot be any subsequent allotment without cancelling the previous allotment made in his favour.

5. We do not find any error in the impugned order passed by the learned Single Bench as the petitioner has alternative and efficacious remedy under section 17A of the Act. We may clarify that as and when the jurisdiction of the statutory authority under section 17A of the Act is availed, the Board of Revenue as the appellate authority, shall consider and decide the same in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Amin/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

