

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1332 of 2013
IN
Civil Writ Jurisdiction Case No. 10435 of 2013**

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Rajendra Prasad Jaiswal Son of Late Sheo Pujan Bhagat of Teldiha P.S. Tikapatti District Purnia, At Present Residing at Mohalla Shivpuri Ward No. 9 Araria P.S. Araria District Araria

.... Petitioner/Appellant.

Versus

1. The State of Bihar Through Collector, Araria
2. The Collector, Araria
3. The Sub-Divisional Magistrate Cum House Controller , Araria
4. Vidyalaya Prabandh Samiti Unchcha Vidyalaya Araria
5. Head Master, Uchcha Vidyalaya, Araria
6. Chatter Singh Son of Bhawarlal Rahika Tola (Near Jain Dharamshala) P.S. Araria District Araria
7. Mangi Lal Jain Son of Bhawar Lal Rahika Tola (Near Jain Dharamshala) P.S. Araria District Araria

.... Respondents

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha, Advocate
Mr. Kamal Kishore Jha, Advocate
Mr. Rakhi Kumari, Advocate
For the State : Mr. Ranjan Kumar, AC to G.A.-12

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

Date: 15-02-2017

Heard counsel for the appellant and counsel for the State.

The submission of the counsel that the reference of the dispute raised in the writ application, by the learned Single Judge to the Bihar Land Disputes Resolution Tribunal under sub-section (2) of Section 9 seems to be an error committed by the learned Single Judge



seems to be correct since the decision which was under challenge in the writ application arose out of BBC Act, does not come within the ambit of the Bihar Land Disputes Resolution Act, 2009.

The appeal is allowed.

The impugned order dated 05.08.2013 passed in C.W.J.C. No. 10435 of 2013 is quashed.

The matter is remanded back to the learned Single Judge for decision on merits.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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