

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5365 of 2012

=====

1. Lalu Yadav @ Lalan Yadav Son Of Rameshwar Yadav Resident Of Bahuarba P.S. Ratanpur, Distt- Supaul

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary
 2. The Commissioner Kosi Division Saharsa
 3. S.D.O. Birpur Supaul
 4. Deputy Collector Land Refomrs Birpur, Supaul
 5. Ratish Chandra Mishra @ Pandit Mishra Son Of Late Satyendra Mishra Resident Of Village + P.O. Balua Nazar P.S. Balua Bazar, Distt- Supaul
 6. Jai Prakash Yadav Son Of Bachcha Lal Yadav Resident Of Village - Sirba P.S. Birpur Distt- Supaul
 7. Shankar Yadav Son Of Bachcha Lal Yadav Resident Of Village - Sirba P.S. Birpur Distt- Supaul
 8. Umesh Singh Son Of Bachcha Lal Yadav Resident Of Village - Sirba P.S. Birpur Distt- Supaul
 9. Bhutai Yadav Son Of Late Sattan Yadav Resident Of Village - Sirba P.S. Birpur Distt- Supaul
 10. Yadunandan Yadav S/O Late Mahanti Yadav R/O Village - Bahuarba P.O. + P.S Ratanpur, Distt- Supaul
 11. Yugram Yadav S/O Late Mahanti Yadav R/O Village - Bahuarba P.O. + P.S Ratanpur, Distt- Supaul
 12. Kari Yadav S/O Fatuli Yadav R/O Village - Bahuarba P.O. + P.S Ratanpur, Distt- Supaul
 13. Sita Ram Yadav S/O Fatuli Yadav R/O Village - Bahuarba P.O. + P.S Ratanpur, Distt- Supaul

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
 For the Respondent/s : Mr. Jaishankar Barnwal Sc1

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04 16.02.2017

At the very outset, learned counsel appearing for the private respondents raises an objection about maintainability of this petition before this court on the ground that the petitioner ought to have knocked the door of the Bihar Land Tribunal before filing this writ petition. He further submits that the petitioner has alternative remedy



to challenge impugned order before the Bihar Land Tribunal and, therefore, this writ petition is not maintainable.

Learned counsel appearing for the petitioner submits that creation of tribunal does not prohibit this court to entertain the petition filed under Article 226 of the Constitution and it is the discretion of the court either to entertain the petition filed under Article 226 of the Constitution or to direct the parties to approach the Bihar Land Tribunal.

Since the petitioner has an alternative remedy to challenge the impugned order and the present writ petition has been filed in the year 2012 i.e. after formation of the tribunal, in my view, the petitioner should approach the tribunal for challenging the impugned order before knocking the door of this court.

However, a prayer has been made on behalf of the petitioner that this record may be sent to the Bihar Land Tribunal for needful.

In view of the aforesaid submissions, let this record be sent to the Bihar Land Tribunal for needful.

Shahid

(Hemant Kumar Srivastava, J)

U		T	
---	--	---	--

