

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1200 of 2016

- =====
1. Samundra Singh Son of late Ramphal Singh, Resident of Village- Dwarika Bigha, Police Station - Harnaut, District Nalanda.
 2. Vinay Kumar Son of late Permanand Singh, Resident of Village- Sirsibarah, Police Station- Harnaut, Distt Nalanda.
 3. Amrendra Kumar Singh Son of Pramod Kumar, Resident of Village- Harnaut, Police Station- Harnaut, District Nalanda.
 4. Jaynendra Kumar Son of Pramod Kumar, Resident of Village- Harnaut, Police Station- Harnaut, District Nalanda.

.... Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Revenue and land Reforms, Government of Bihar, Patna.
2. The Collector, Nalanda at Biharsharif.
3. The District Land Acquisition Officer, Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Appellants	:	Mr. Mrigank Mauli, Advocate Mr. Sanket, Advocate Mr. Prince Kr. Mishra, Advocate
For the State	:	Mr. Krishna Chandra Pd., AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-05-2017

Inter alia, contending that initiation of proceedings under Section 4(h) of the Bihar Land Reforms Act is unsustainable, the writ petition was filed and the Writ Court came to the conclusion that the said question as to whether the provisions of Section 4(h) is applicable is a disputed and mixed question of law and fact and, therefore, as only a show cause notice has been issued and the matter is pending before the statutory authority, the objection can be raised before the



statutory authority and the statutory authority was directed to decide the objection while considering the proceedings pending before it.

In doing so and in relegating the petitioners to take recourse to the remedy available of raising the objection before the statutory authority, no error so apparent has been committed by the learned Writ Court warranting interference at this stage in a proceeding under Clause 10 of the Letters Patent.

The appeal is dismissed.

The authority concerned, before whom the matter is pending, is directed to take a decision in the matter finally after hearing all concerned within a period of six months from the date of receipt of a copy of this order.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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