

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4543 of 2015

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Sandeep Kumar Bhagat son of Late Ram Babu, resident of Near Gopal Mandir,
Bekapur, Munger, P.S. Kotwali Munger, District- Munger.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Patna.
2. The Bihar State Hindu Religious Trust Board, Vidyapati Marg, Patna through the Chairman.
3. The District Magistrate, Munger.
4. The Circle Officer, Sadar Munger, District- Munger.

Respondent 1st

5. Subhit Kumar, son of Late Doman Yadav, Resident of Village- Farda, Bank Tola, P.S. Naya Ram Nagar, District- Munger, Presently residing at Mohalla- Mansari Tola, Puraniganj, Munger, District- Munger
6. Shiv Shankar Prasad Jaishwal, son of Late Ganga Prasad Jaishwal, resident of infront of Tiwary X-Ray, Bari Bazar, P.O. Munger, P.S. Kotwali Munger, District- Munger.

Respondent 2nd Set.

7. Sharwan Prasad Yadav
8. Raj Kumar
9. Ramanand Prasad Yadav
10. Binay Kumar Yadav
11. Shankar Suman
12. Ram Lakhan Prasad Yadav
13. Sanjeev Kumar

All sons of Late Shiv Nandan Prasad Yadav, resident of Village- Mohammadpur, P.O. Farda, P.S. Naya Ram Nagar, District- Munger.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Board : Mr. Shekhar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-07-2018



The instant writ petition has filed by the petitioner challenging the ex-parte judgment and order dated 27.03.2014 passed in Case No. 25 of 2008 by learned Presiding Officer, Bihar State Hindu Religious Trust Board Tribunal, Patna (for short 'Tribunal') whereby and whereunder the petitioner and respondent 3rd set have been directed to hand over vacant possession of schedule-1 land to the respondent 2nd set within two months and also for quashing the order dated 13.10.2014 passed in Misc. Case No. 04 of 2014 by the learned Presiding Officer of the Tribunal whereby and whereunder the District Administration has been directed to execute the judgment and order dated 27.03.2014 passed by the Tribunal in Case No. 25 of 2008.

2. A preliminary objection has been raised by the learned counsel appearing for the respondent no.2 regarding maintainability of the writ petition. He submitted that against the order impugned, the petitioner has a remedy of appeal before this court. Hence, a writ petition would not be maintainable.

3. Learned counsel appearing for the petitioner fairly conceded that there is a statutory remedy of appeal. He submitted that the writ petition may be disposed of with liberty to the petitioner to seek the remedy available in law.



4. In view of the admission made by the learned counsel for the petitioner, the writ petition is disposed of with liberty to the petitioner that he may seek any other remedy available in law.

(Ashwani Kumar Singh, J.)

Kanchan/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2018
Transmission Date	NA

