

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7355 of 2015

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Upendra Nath Thakur S/O Late Chulhai Thakur R/O Village- Paharpur,
Bishunpur P.S.- Mahanar, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary.
2. The Commissioner-cum-Principal Secretary, Dept. of Revenue and Land Reforms, Bihar, Patna.
3. The Director, Consolidation, Bihar, Patna.
4. The Joint Director, Consolidation, Bihar, Patna.
5. Deputy Director, Consolidation, Bihar, Patna.
6. The Circle Officer-Cum-Consolidation officer Mahnar, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Vivek Prasad GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 31-01-2019 The petitioner has put to challenge an order dated 15.10.2014 passed by the Director of Consolidation, Bihar, Patna in Consolidation Revision Case No. 876 of 1980, whereby revision application filed on behalf of the petitioner has been dismissed.

Apparently, the said impugned order is a final order. The Bihar Land Tribunal has been constituted under the Bihar Land Tribunal Act, 2009 (hereinafter referred to as 'the Act') having power under Section 9 of the Act to entertain any application against final order passed by the appropriate authority, including an order passed under the Bihar



Consolidation of Holdings and Prevention of Fragmentation Act, 1956. The petitioner has not availed the statutory remedy by approaching the Bihar Land Tribunal under the Act.

Accordingly, this application is disposed of with a liberty to the petitioner to approach the Bihar Land Tribunal against the impugned order of the Director of Consolidation, Bihar, Patna.

This is to be noted that an application under Section 9 of the Act is to be filed within 90 days of passing of the final order. Since the petitioner has been pursuing his remedy before this Court under Article 226 of the Constitution of India by filing the present application, which came to be registered on 08.05.2015, it is observed that no objection of delay in approaching the Bihar Land Tribunal shall be taken, if the petitioner files his application before the Bihar Land Tribunal, within 90 days from today.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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