

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14832 of 2019

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Upendra Prasad Singh @ Upendra Singh Son of Babu Ishwari Prasad Singh@
Ishwari Singh, Resident of Village- Kawalpur, Police Station- Barahia,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar, Patna
3. The Commissioner, Munger Division, Munger.
4. The Collector, Lakhisarai.
5. The Additional Collector, Lakhisarai.
6. The Deputy Collector and Land Reform, Lakhisarai.
7. The Circle Officer, Halsi Circle, District- Lakhisarai.
8. Uma Shankar Prasad Singh, Son of late Rameshwar Prasad Singh, Resident of Village- Sambey, Police Station- Warsaliganj, District- Nawada.
9. Bijay Shankar Prasad Singh, Son of late Rameshwar Prasad Singh, Resident of Village- Sambey, Police Station- Warsaliganj, District- Nawada.
10. Hari Shankar Prasad Singh, Son of late Rameshwar Prasad Singh, Resident of Village- Sambey, Police Station- Warsaliganj, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhayachal Singh Mr.Satya Prakash
For the State	:	Mr.Sajid Salim Khan (SC-25) Mr. W.A.Khan, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 Heard the learned counsel for the parties.

An order dated 04.12.2018, passed by the Collector
in Land Ceiling Case No. 38//86-87 Munger/20/94-95
Lakhisarai, has been put to challenge in the present writ
application.



The order has been passed, apparently, in the light of an order of this Court dated 04.05.2010, passed in CWJC No. 111 of 2000, whereby the matter was remanded back to the Collector, to re-consider it in the light of the report of the Circle Officer dated 24.02.1989 as also the return filed by Rameshwar Prasad Singh, the ex-landlord at the time of vesting of the Estate in respect of the land, in question.

Mr. Bindhyachal Singh, learned counsel for the petitioner does not dispute that the petitioner has alternative statutory remedy of appeal under Section 30 of the Bihar Land Ceiling Act, 1961(for short 'the Act'). He, however, submits that since the order cannot be said to be in consonance with the order of this Court dated 04.05.2010, passed in CWJC No.111 of 2000, the petitioner has filed the present writ application.

Be that as it may, since the petitioner has alternative statutory remedy of appeal, this writ application is disposed of with an observation that the petitioner may prefer an appeal against the impugned order. If any question of limitation arises and if any application for condonation of delay is filed, the Court expects that the appellate authority shall consider the same, in accordance with law, keeping in mind the fact that the petitioner was pursuing his remedy before this Court by filing



the present writ application. The petitioner shall be at liberty to make an application, seeking interim relief before the appellate authority.

(Chakradhari Sharan Singh, J)

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