

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23236 of 2019

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Ishwari Prasad Mehta @ Ishwari Mehta Son of Late Muni Lal Mehta
Resident of Village- Gadhiya Baluwa, Police Station- K. Nagar, District-
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Sub-Divisional Officer, Sadar, Purnea.
3. The Circle Officer, Sri Nagar, Purnea.
4. Most. Soni Devi Widow of Late Thakur Prasad Choudhary Resident of Village- Gadhiya Baluwa, Police Station- K. Nagar, District- Purnea.
5. Pradeep Choudhary Son of Late Thakur Prasad Choudhary Resident of Village- Gadhiya Baluwa, Police Station- K. Nagar, District- Purnea.
6. Dilip Choudhary Son of Late Thakur Pd. Choudhary Resident of Village- Gadhiya Baluwa, Police Station- K. Nagar, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh
For the Respondent/s : Mr.Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-12-2019 Heard both sides.

The petitioner has filed this writ petition to quash the order dated 01.08.2019 passed by the learned Member (Administrative), Bihar Land Tribunal, Patna in B.L.T. case No. 242 of 2018 by which the learned Member (Administrative), Bihar Land Tribunal, Patna remanded the matter back to the Sub Divisional Officer, Sadar, Purnea for disposal.

The learned counsel for the petitioner submits that the matter has already been remanded but the learned Member



(Administrative), Bihar Land Tribunal, Patna recorded a finding at page 43 in paragraph 2 which is prejudicial to the case of the petitioner. It is submitted that this writ petition may be disposed of with an observation that any finding recorded by the learned Member (Administrative), Bihar Land Tribunal, Patna would not prejudice the case of either party.

Having considered the submissions and the fact that the matter is remanded to the authority, after setting aside the order to decide the case afresh, I am not inclined to interfere in the impugned order but at the same time it is observed that any finding prejudicial to the case of the petitioner shall not be binding on the court below which shall decide the matter on merit in accordance with law.

With the aforesaid observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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