

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4695 of 2018

1. Ram Ashish Singh, Son of late Ram Awatar Singh
2. Sidh Nath Singh, Son of late Chandradeo Singh, Both Resident of Village- Malhipur, P.S. Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Buxar.
 2. The Collector, Buxar, District- Buxar.
 3. The Additional Collector, Buxar, District- Buxar.
 4. The Sub-Divisional Officer, Buxar, District- Buxar.
 5. The Circle Officer, Rajpur, District- Buxar.
 6. Ganesh Singh, Son of Ramyash Singh
 7. Kamalawati Devi, Wife of Rajeshwar Singh
 8. Surendra Singh, Son of late Ramraj Singh
 9. Ram Suresh Singh, Son of late Ramraj Singh
- All 6 to 9 are resident of Village- Malhipur, P.S. Rajpur, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The petitioners have filed the instant application for
the following relief(s):-

*“i) For issuance of an appropriate writ,
order, direction to quash the order dated 19.09.2017
passed by the District Collector, Buxar in Case
No.18/2012 (Misc.) whereby and where-under he
was pleased to reject the claim of the petitioners and*



accepted the plea of the Private Respondents.

ii) For issuance of an appropriate writ, order, direction to quash the order dated 13.02.2004 passed in Case No.11/2002-03 by Sub-Divisional Officer, Buxar whereby and where-under permission was granted for settlement of land bearing Khata No.52, Plot No.24/1, 24/2, Thana No.128 of Revenue Mauza-Malhipur, P.S.-Rajpur, District-Buxar with Respondents No. 6 to 9.

iii) For issuance of an appropriate writ, order, direction to quash order dated 10.04.2007 passed in Homestead Settlement Appeal Case No. 52/2006-07 by Additional Collector, Buxar whereby and where-under the appeal applications of the petitioners for cancellation of the Settlement of lands was rejected without hearing of the petitioners and without considering the report dated 27.07.2006 of the Sub-Divisional Officer, Buxar.

iv) For issuance of an appropriate writ, order, direction to the Respondent authorities to take fresh steps for settlement of the lands in question in favour of petitioners after proper enquiry as the petitioners are in peaceful residential possession of the said land.

v) For issuance of an appropriate writ, order, direction to the Respondents not to interfere with the peaceful possession of the petitioners on the land in question till the further order passed for settlement of land in accordance with law.

vi) For issuance of an appropriate writ, order, direction granting any other relief or reliefs for which petitioners are found to be entitled in the



facts and circumstances of this case.”

Having heard learned counsel for the parties and taking into consideration the final order under challenge dated 19.9.2017 passed in Case no.18/2012 (Misc.) by the District Collector, Buxar, this Court is of the opinion that the petitioners have an alternate and efficacious remedy of preferring an application before the Tribunal constituted under the Bihar Land Tribunal Act, 2009.

This writ application is disposed of with liberty to the petitioner to move before the Tribunal under the Act for the relief prayed for in the instant application.

In considering the application for condonation of delay (limitation petition) filed by the petitioners in preferring the application, the Tribunal will take into consideration the period for which the instant case was being pursued by the petitioner in this Court.

(Partha Sarthy, J)

avinash/-

U			
---	--	--	--

