

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1434 of 2023

1. Mirtunjay Kumar Tiwary Son of Late Parasnath Tiwary Resident of Mohalla- Kotwali, Ward No.- 13, P.S.- Battiah Town, District- West Champaran.
2. Avinash Kumar Son of Late Banti Prashad Mehta Resident of Mohalla Ujjain Tola, Ward No.- 35, P.S.- Bettiah, District- West Champaran.
3. Syed Istyak Ahmed Son of Mustaque Ahmed Resident of Mohalla- Chawani, P.S.- Manuapul, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principala Secretary, Revenue and Land Reform Department, Bihar, Patna.
2. The District Magistrate, West Champaran.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Land Reforms Deputy Collector, Narkatiyaganj, District- West Champaran.
5. The Circle Officer, Gaunaha, District- West Champaran.
6. The Revenue Officer, Gaunaha, District- West Champaran.
7. The Anchal Amin, Gaunaha, District- West Champaran.
8. Iftekhhar Ahmad @ Munna Tyagi Son of Late Mustafa Resident of Mohalla- Hardiya Narkatiyaganj, Ward No.- 21, P.S.- Shikarpur, District- West Champaran.
9. Md. Prince Son of Asfaque Ahmed Resident of Mohalla- Hardiya Narkatiyaganj, Ward No.- 21, P.S.- Shikarpur, District- West Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 03-07-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

The present writ application has been filed by the
petitioners for setting aside the order dated 26.09.2022 passed in

Case No. 06 of 2022-23 by Land Reforms Deputy Collector, Narkatiyaganj, West Champaran (Respondent No.4) preferred under Bihar Land Disputes Resolutions Act, 2009 under Section 4(1)(Gha).

Learned counsel for the petitioners submits that the land in dispute was happened to be the Khatiyani land of Ganesh Prasad having Zamabandi No. 157 which was running in the name of Ganesh Prasad. Counsel further submits that petitioners have acquired title through Ganesh Prasad in whose name zamabandi continued and this aspect has completely been ignored and case has been decided against them.

Learned counsel for the State submits that it is admitted that the petitioners have filed this application under Bihar Land Disputes Resolution Act, under Section 4(1)(Gha), which is appellable before the Commissioner under Section 14 of the said Act. He further submits that this writ petition is not maintainable here and fit to be dismissed on this ground alone.

After going through the submissions and record of the case, it is clear as per the argument that the present writ petition has been filed against the order passed by Land Reforms Deputy Collector, Narkatiyaganj, West Champaran entertained under Section 4(1)(Gha) of the Act. It is also correct

that order passed by the Land Reforms Deputy Collector under Section 4(1)(Gha) is appellable under Section 14 before the Commissioner of the said Pramandal.

In this view of the matter, this Court is of the opinion that the present writ petition is premature and hence, petitioners are directed to move before the Commissioner.

With the aforesaid direction, the present writ petition is hereby disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	