

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7276 of 2021

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Birmani Bhanu Pratap Son of Late Din Dayal Ram @ Din Dayal Paswan
Resident of Village- Pilchhi, Police Station- Daud Nagar, District-
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate Aurangabad.
3. The Sub- Divisional Magistrate Daud Nagar, District- Aurangabad.
4. The Deputy Collector Land Reforms Daud Nagar, District- Aurangabad.
5. The Anchal Adhikari Daud Nagar, District- Aurangabad.
6. The Station House Officer Daud Nagar, District- Aurangabad.
7. Girja Bhushan Singh Son of Late Maheshwar Singh Resident of Village- Pilchhi, Police Station- Daud Nagar, District- Aurangabad.
8. Devendra Singh @ Gaya Singh Son of Late Rampati Singh Resident of Village- Pilchhi, Police Station- Daud Nagar, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-10-2023

Ref: I.A.No.1 of 2023.

By filing the present I.A., learned counsel for the petitioner seeks substitution of legal heirs/representatives of respondent no.7 who died on 10.12.2021 leaving behind his legal heirs mentioned in paragraph 2 of the I.A.

2. Let the office substitute names of legal heirs/representatives of the original petitioner, duly mentioned in paragraph 2 of the I.A.

3. I.A. No.1 of 2023 stands allowed.

4. Present writ petition has been filed for a direction to



the respondent authorities to restore the possession of the petitioner over the settled land. In IA No. 2/2023 petitioner prays for setting aside order dated 18.5.2023, passed by the Divisional Commissioner, Magadh Division, Gaya in Land Dispute Resolution Appeal No. 182 of 2019.

5. However, learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioner before the Bihar Land Tribunal for proper adjudication of the matter. He submits that liberty may be given to the petitioner to approach the Bihar Land Tribunal.

6. Learned counsel for the petitioner does not dispute the above proposition.

7. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Let the petitioner file afresh application before the Bihar Land Tribunal for proper adjudication of the matter.

8. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

9. Writ petition stands disposed of with the aforesaid



observations.

(Prabhat Kumar Singh, J)

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