

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16341 of 2015

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ANIL KISHORE PRASAD SON OF LATE AWADH KISHORE PRASAD,
RESIDENT OF THANA ROAD, CHOUDHARY TOLA, P.S.-
KAHALGAON, DIST.- BHAGALPUR

... .. PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE CUM COLLECTOR, BHAGALPUR
3. THE SUB-DIVISIONAL OFFICER, KAHALGAON
4. THE CIRCLE OFFICER, KAHALGAON, BLOCK- KAHALGAON,
DISTRICT- BHAGALPUR

... .. RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar , Advocate
For the Respondent/s : Mr. Gp3- S.K.Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-12-2023 Heard the learned counsel for the parties.

2. This writ application has been filed for the
following reliefs:-

(A) For quashing the report dated 8.4.2012 issued by
the Circle Officer, Kahalgaon pertaining to proposed settlement
of the petitioner's private land measuring 1 acre 16 decimals
bearing P.S. no. 267 Kahalgaon, Khata no. 92, Khesra no. 166
situated at Kahalgaon in favour of various persons of Dom



castes.

(B) For quashing the general notice dated 10.4.2013 issued by the Circle Officer Kahalgaon for settlement of petitioner's private land measuring 20960 square or 0.48.228 decimal, bearing P.S. no. 267 Kahalgaon, Khata no. 92, Khesra no. 166 situated at Kahalgaon in favour of various persons.

(C) For direction to the respondents not to settle the petitioner's private land measuring 1 acre 16 decimal bearing P.S. no. 267 Kahalgaon, Khata no. 92, Khesra no. 166 situated at Kahalgaon in favour of various persons of Dom castes and disturb the peaceful possession of the petitioner.

3. At the very outset, learned counsel for the State appears and raises preliminary objection that petitioner has got statutory alternative remedy of making application before Collector under Section 21 of Bihar Privileged Persons Homestead Tenancy Act, 1947 which reads as follows:-

21. Power of the Collector of the District to call for and examine records. -
Notwithstanding anything to the contrary contained in any judgment, decree or order of any Court or authority; the Collector of the district may on his own motion or on the application of any



party, or on reference being made by any subordinate authority, call for and examine record of any case decided or proceeding taken by the Collector under the Act for satisfying himself as to the regularity of the proceeding or to the correctness, legality or propriety of an order passed by the Collector under the Act in the case or proceeding, and may after, allowing the parties concerned opportunity of being heard, direct that the case or the proceeding be reopened and disposed of afresh in accordance with the provisions of this Act.

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

5. In the aforesaid facts and circumstances of the case, this writ application is disposed of with liberty to the petitioner to seek remedy before appropriate authority which may be available to him in accordance with law .

6. It is made clear that petitioner approaches the appropriate forum, the concerned authority/forum would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condoning of delay, if



applicable.

7. Accordingly, this writ application stands disposed
of.

(Prabhat Kumar Singh, J)

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