

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6938 of 2023

1. Indradeo Prasad Son of Late Govind Prasad, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
2. Sanjay Prasad Son of Ganouri Mahto, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
3. Virendra Prasad Son of Ramchandra Prasad, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
4. Raghunandan Prasad Son of late Sukhlali Mahto, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
5. Saryu Prasad Son of late Ganouri Mahto, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
6. Manilal Prasad Son of Late Yamuna Mahto, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
7. Kishori Prasad Son of Late Sukhi Mahto, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
8. Ravindra Prasad Son of Late Baldeo Mato, Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Nalanda.
2. The Land Reforms Deputy Collector, Nalanda.
3. Etwari Mahto Son of Late Malu Mahto Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
4. Rajendra Yadav Son of late Baidhu Yadav Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
5. Niranjan Mistri Son of Late Shyamlal Mistri Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
6. Mithlesh Mistri Son of Late Dubhar Mistri Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
7. Upendra Jamadar Son of late Brahamdeo Jamadar Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
8. Gandhi Jamadar Son of Late Sundar Jamadar (Govt. Service) Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
9. Mahendra Yadav Son of late Meghan Gop Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
10. Arjun Mistri son of late Ramsharan Mistri Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
11. Ramchandra Jamadar Son of Late Shokhi Jamadar Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
12. Chhote Jamadar Son of Late Soukhi Jamadar Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.



13. Ramotar Yadav Son of late Kesho Gop Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
14. Arvind Yadav Son of Late Kesho Gop Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
15. Sanjay Yadav Son of Late Kesho Gop Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
16. Vana Yadav Son of Late Brahamdeo Yadav Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
17. Janardan Mistri Son of late Muneshwar Mistri Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
18. Mahendra Mistri Son of Late Sitaram Mistri Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
19. Dharmendra Yadav Son of Late Boudhu Yadav Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
20. Roushan Yadav Son of Late Bajrangi Yadav Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
21. Sonu Yadav Son of late Surendra Yadav Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
22. Rajendra Mistri Son of Late Mahavir Mistri Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
23. Kartik Pandit Son of Late Chaturbhuj Pandit Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
24. Jugeshwar Paswan Son of Late Ramdhani Paswan Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.
25. Shulendra Jamadar Son of Late Jagdish Jamadar Resident of village- Ishua, P.S. and Circle- Giriyak, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Prasad, Adv.
For the State	:	Mr. Raj Kishore Roy, GP-18.
For the Private respondents	:	Mr. Lakshmi Kant Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the private respondent nos.3, 5, 6, 9 to 11, 17 to 23 & 25.

2. The present writ petition has been filed for setting aside the order dated 02.09.2022 whereby the Deputy Collector,



Land Reforms, Rajgir has modified its own order dated 04.07.2022 passed in Batai Case No.01/18-19.

3. Learned counsel for the State raised preliminary objection and submits that in the present case the remedy lies to the petitioners before the Appellate forum and not before this Court.

4. Learned counsel for the private respondents submits that petitioners have moved before this Hon'ble Court for the second time, earlier the petitioners have moved before this Hon'ble Court in C.W.J.C. No.5197 of 1987 in which final order was passed on 05.08.2015 and in the light of said order the petitioners have moved before the Deputy Collector, Land Reforms, Bihar Sharif (subsequently due to change of jurisdiction Deputy Collector, Land Reforms, Rajgir has heard this matter) and Deputy Collector, Land Reforms, Bihar Sharif has passed final order on 02.09.2022 in which he further modified its own order dated 04.07.2022. There is nothing discussed on merit, rather it is bare modification of the earlier order and, therefore, the said order ought to be affirmed.

5. In the light of the facts and circumstances and the submissions made by the parties, it transpires to this Court that statutory appeal lies before the Appellate Authority and,



therefore, due to this reason this Court is not interfering into merit or demerit of this case.

6. Accordingly, the petitioners are directed to avail the remedy before the Appellate forum within four weeks from the date of passing of this order.

7. The delay, if any, in filing the appeal is directed to be condoned.

8. It is also directed to the Appellate Authority that upon filing the appeal by the petitioners, the Appellate Authority shall decide this case within three months from the date of appearance of all the concerned parties.

9. With this direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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