

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15056 of 2013

1. Mahendra Prasad and Ors Son Of Late Ramdeo Mahto Resident Of Village- Bihargain, Police Station- Raushanganj, District- Gaya
2. Anugrah Prasad Son Of Late Ramdeo Mahto Resident Of Village- Bihargain, Police Station- Raushanganj, District- Gaya
3. Bundiyan Devi Wife Of Chander Rabidas Resident Of Village- Bihargain, Police Station- Raushanganj, District- Gaya
4. Sanyukta Devi Wife Of Jagdish Prasad Resident Of Village- Bihargain, Police Station- Raushanganj, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Consolidation, Bihar, Patna
3. The Joint Director, Consolidation, Magadh Division, Gaya
4. The Consolidation Officer, Amas, Gaya
5. The Circle Officer, Bankey Bazar, Gaya
6. The Bishun Bhagwan Mandir At Village- Bihargain, Tila- Mainagarh, P.S.- Roshanganj, District- Gaya Bihar Through Ramdhani Das, Administrator
7. Bimla Devi Wife Of Ramesh Chakhaiyar Resident Of Village- Bihargain, Police Station- Raushanganj And District- Gaya
8. Ramdhani Das S/O Late Mahadeo Chaudhary, Manager Cum-Sewait Of Shree Bishun Bhagwan Mandir, Bihargain Tola Naingarh, P.S.- Roshanganj, District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr. Shail Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 09-10-2023 Heard learned counsel for the petitioner and the state.
2. This application has been filed for quashing order dated 22.12.10 annexure 3 passed by respondent No. 3 in Revision Case No. 80 of 2010 under section 35 Bihar Consolidation of holding and Prevention of Fragmentation Act,



1956 whereby and where under respondent No. 3 has admitted the claim of respondent No. 6 and ordered the respondent No. 4 to open Khata in the name of respondent No. 6 and also to make necessary correction accordingly and issuance of appropriate consequential writ or writs restraining the respondents to interfere in the possession of the petitioners since the impugned order has been passed without impleading the petitioners or issuance of any other writ.

3 . Learned counsel for the state appears and submits that the petitioner had statutory alternative remedy of making appropriate application before the Bihar Land Tribunal (for short 'the Tribunal'), against the orders which are impugned.

4. The learned counsel for the petitioner does not dispute the proposition made on behalf of the state.

5 . In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. This petition is disposed of with a direction and observation that petitioners shall have liberty to move before the appropriate authority within a period of 4 weeks.

7. 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.

(Prabhat Kumar Singh, J)

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