

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17340 of 2019

1. Ramdeep Mahto S/o Late Govind Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
2. Ashok Prasad S/o Late Jagdish Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
3. Dharmendra Kumar S/o Late Krishnadev Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
4. Narsingh Mahto S/o Late Prabhu Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
5. Mathura Mahto S/o Late Chulahan Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
6. Bharat Mahto S/o Late Genda Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
7. Sita Ram Mahto S/o Late Horil Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
8. Ram Kumar Mahto S/o Late Nathun Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
9. Ramanand Prasad S/o Late Janki Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
10. Raghu Nandan Prasad S/o Late Dina Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
11. Vijay Prasad S/o Late Raj Kumar Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
12. Baldev Mahto S/o Late Funnt Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
13. Chintawan Mahto S/o Late Megha Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
14. Parmeshwar Mahto S/o Late Shivlas Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
15. Raghu Mahto S/o Late Latasi Maht Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
16. Baleshwar Mahto S/o Late Ganga Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
17. Indu Devi Daughter of Tulshi Mahto Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)
18. Jay Ram Singh S/o Late Shiv Nandan Singh Resident of Village-Ladu,P.S. Mohanpur,P.O. Dewa,Dist.-Gaya,Pin-824231 (Bihar)

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. The District Magistrate,Gaya Dist.Gaya(Bihar)



3. The Additional Collector,Gaya, Gaya(Bihar)
4. The Sub Divisional Magistrate,Gaya, Dist.Gaya(Bihar)
5. The Circle Officer,Gaya, Dist.-Gaya(Bihar)
6. Ramesh Giri (Present Mahanth), Bodh Gaya Bath,Resident of Bodh Gaya Po and PS Bopdh Gaya,Dist.Gaya,Pin Code-824231(Bihar)

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Dipak, Advocate
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-10-2023 Heard learned counsel for the petitioners and the State.

2. This writ petition has been filed for setting aside order dated 26.2.2019 passed by the District Magistrate, Gaya in Ceiling Misc.Case No.28 of 1999-2000.

3. At the outset, learned counsel for the State raises preliminary objection that the petitioners have got statutory alternative remedy of appeal before the Divisional Commissioner under the Bihar Land Reforms (Fixation Of Ceiling Area And Acquisition Of Surplus Land) Act, as such, without exhausting the remedy of appeal, no writ shall lie.

4. The learned counsel for the petitioners does not dispute the aforesaid proposition.

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 writ petition is disposed of with a direction and observation that petitioners shall have liberty to move before the appropriate authority within a period of six weeks from today.

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 petitioners were pursuing the issue before this Court.

(Prabhat Kumar Singh, J)

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