

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2523 of 2012

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1. RAJO SADA and ORS Son Of Late Dukhi Sada Resident Of Village-Gamhraia Tola, Harkutta Masahri, P.S. Sour Bazar, District-Saharsa
 2. Sandeo Sada Son Of Kate Siya Ram Sada Resident Of Village-Gamhraia Tola, Harkutta Masahri, P.S. Sour Bazar, District-Saharsa
 3. Ganesh Sada Son Of Late Kedar Sada Resident Of Village-Gamhraia Tola, Harkutta Masahri, P.S. Sour Bazar, District-Saharsa
 4. Rinku Sada @ Rinki Kumar Son Of Late Suren Sada Resident Of Village-Gamhraia Tola, Harkutta Masahri, P.S. Sour Bazar, District-Saharsa

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Commissioner, Kosi Division, Saharsa
3. The Collector, Saharsa
4. The Circle Officer, Sour Bazar, District-Saharsa
5. Janardan Sada Son Of Late Jagan Sada Resident Of Village-Gamhraia Tola, Harkutta Masahri, P.S. Sour Bazar, District-Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Makardhwaj Upadhyay
For the Respondent/s	:	Mrs. Binita Singh, SC 28
		Mr. Vivek Anand Amritesh, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 12-12-2023 Heard the learned counsel for the parties.

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

(i) For quashing of the order dated 17.5.2011 passed by the Collector Saharsa in Appeal No. 61 of 1996- 97 whereby and where under the appeal of Respondent No.5 was allowed and the Circle Officer, Sour Bazar was directed to lodge criminal case against the petitioners for raising claim on the



basis of forged Basgit Purcha.

(ii) For quashing of the order dated 22.7.2011 passed by the Commissioner Kosi Division Saharsa in Appeal Case No.36 of 2011 whereby he has refused to exercise jurisdiction stating that there is no provisions of review in the Bihar Privilege Persons, Tenancy Act and rejected the appeal of the petitioners.

(iii) For holding that the order of the Collector Saharsa is defective inasmuch as he has considered some documents/report Officer Sour Bazar on of Circle the basis of which he concluded that the petitioners submitted forged Basgit Purcha but the said report was never supplied to the petitioners and relying upon the same their Basgit Purchas were cancelled and the appeal of the alleged land owner was allowed.

(iv) For holding that the matter required detail examination of the inter-se case of the parties before arriving at a conclusion unilateral and without making the documents relied upon by the authorities to the petitioners.

(v) For restraining the respondents from taking any coercive action against the petitioners in pursuance of the order of the Collector Saharsa dated 17.5.2011.



3. At the very outset, learned counsel for the State appears and raises preliminary objection that petitioners have got statutory alternative remedy of making application before Bihar Land Tribunal against the order which are impugned.

4. Learned counsel for the petitioners 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 petitioners to seek remedy before appropriate authority which may be available to him in accordance with law .

6. It is made clear that petitioners approaches the appropriate forum, the concerned authority/forum would have regard to the present proceeding being pursued by the petitioners, 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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