

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5172 of 2020

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Satish prasad, Son of Late Mahendra Prasad, Resident of Village- Durgapur
Mangal Bazar, P.O.- Munger, P.S.- Kotwali, District- Munger- 811801.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate-cum-Collector, Munger, District- Munger.
5. The Additional Collector, Munger, District- Munger.
6. The D.C.L.R., Munger, District- Munger.
7. The Circle Officer, Sadar Munger, District- Munger.
8. The Municipal Commissioner, Munger Municipality, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Raj Kumar Choudhary, Advocate
For the State	:	Mr. Rishi Raj Sinha, S.C-19 Mr. Manoj Kumar Sinha, A.C to S.C-19

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-04-2023 Heard learned Senior counsel for the petitioner and

learned counsel for the respondents.

The petitioner has filed the instant application for the
following relief(s):-

*“(i) For issuance of an appropriate
Writ/Writs, Order/Orders, Direction/Directions in
the nature of Certiorari, setting aside the Order of
the Respondent No.6 (The D.C.L.R., Munger) passed
by his Order dated 27.2.2018, passed in Rent
Fixation Case No.84/2016-17 without considering*



the fact that the entire proceeding initiated is void ab-initio and Order dated 4.10.2019 respectively, which is Annexure-4 to this writ petition.

(ii) For issuance of an appropriate Writ/Writs, Order/Orders, Direction/Directions in the nature of Mandamus, directing the Respondent No.6 (the D.C.L.R., Munger) to hear the case of the petitioner in the facts and circumstances of the case.

(iii) For further direction to the Respondent No.7 (The Circle Officer, Sadar Munger) to allow the petitioner to deposit rent of the said land at the rate of Rs. 550/- in terms of the Order dated 29.05.2017, passed by the Learned D.C.L.R., Munger (Respondent No.6).

(iv) For commanding and directing the respondents from restraining any type of possession/changes/alternation like boundary/construction on the said land area as being wholly without Jurisdiction and in utter violation of the Principles of Natural Justice.

(v) For any other relief(s) for which the petitioner is found entitled in the eye of law as well as on the facts and circumstances of the instant case as elaborated and stated hereinafter in the larger interest of Justice.”

At the outset, learned counsel for the respondents raised a preliminary objection to the effect that the petitioner has an alternate and efficacious remedy by way of preferring an application for the prayer made herein, before the Bihar Land



Tribunal under the Bihar Land Tribunal Act, 2009.

The Court finds substance in the submission made on behalf of the respondents.

The application is disposed of with the direction to the petitioner to file an appropriate application before the Bihar Land Tribunal under the aforesaid Act.

In case, such an application is filed within a period of three weeks, in considering the period of limitation in filing of the said application, the learned Bihar Land Tribunal will take into consideration the period for which the instant case was being pursued by the petitioner in this Court.

(Partha Sarthy, J)

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