

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10336 of 2023

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Sudhir Kumar Singh S/o Late Sheo Murat Singh R/o Village- Kulharia, P.O.-
Karmnasa, P.S.- Durgawati, District- Kaimur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar.
2. The Collector cum District Magistrate, Kaimur, Bhabhua.
3. Deputy Collector Land Reforms, Mohania, Kaimur.
4. The Circle Officer, Durgawati, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Shiv Pratap, Advocate
For the State : Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 4 08-01-2024 1. Heard learned counsels for the parties.
2. This writ application has been filed for the
following reliefs:-

“(I) For issuance of appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI to quash the order dated 20.03.2020 passed by Respondent No.-2 herein District Magistrate, Kaimur, wherein the said respondent has initiated proceedings u/s 87 of the Bihar Tenancy Act, 1885 (Act 8 of 1885) ("B.T. Act") in respect of 65.2 Acres of land pertaining to Mauza-Kulharia, Thana No.-2, Khata No.-188, 189, 190 and 19. Whereas the said abandonment proceeding has been initiated on the ground that there is dispute regarding succession of Raghunath Singh.

(II) For issuance of appropriate order/s, direction/s including a writ preferably in the nature of MANDAMUS directing Respondent No.-4 to issue land revenue receipt and land possession certificate (LPC) to the petitioner with respect to his immovable



property bearing Khata No.-1, Plot No.- 1371, 1353, 1372 and 1371, purchased vide sale deed no 3843 dated 13.04.2010 and sale deed no 9558 dated 08.10.2010 situated at Mauza- kulharia, kaimur.

(III) Issue an appropriate writ(s), direction(s) or order(s) in the nature of writ of mandamus or any other writ calling for the records of the Respondents and after examining the same declare that the Lands belonging to the Petitioners situated in Khasra nos. 1371, 1372, 1353 in village Kulharia, District-Kaimur, stood released from the abandonment proceeding.

(IV) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

3. At the outset, learned counsel for the State raises preliminary objection to the maintainability of the case on the ground that petitioner has got statutory alternative remedy before the Bihar Land Tribunal.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. There is no justification coming forth as to why this writ application should be maintained despite having statutory alternative remedy before the Bihar Land Tribunal.

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

7. In view of the aforesaid facts and circumstances of the case, this writ application is disposed of with liberty to the



petitioner to approach the Bihar Land Tribunal for redressal of his grievances, in accordance with law.

8. If the petitioner files his representation/appeal/application before the Bihar Land Tribunal within a period of eight weeks from today, the same shall be disposed of in accordance with law.

9. It goes without saying that if any question of limitation arises before the Bihar Land Tribunal, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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