

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14501 of 2023

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Mosmat Reena Devi, Wife of Late Vijay Prasad Yadav @ Vijay Ray, resident of Village-Gamhariya Khurd (Ward No. 10), P.O.-Gamhariya Khurd, P.S.-Adapur, District-East Champaran at Motihari, Pin Code-845301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The Collector-cum-District Magistrate, East Champaran, Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The Sub-Divisional Officer, Raxaul, East Champaran.
7. The Deputy Collector Land Reforms, Raxaul, East Champaran.
8. The Circle Officer, Adapur, East Champaran.
9. Prithvi Chand Prasad Yadav, son of Late Vijay Prasad Yadav @ Vijay Ray, resident of Village-Gamhariya Khurd (Ward No. 10), P.O.-Gamhariya Khurd, P.S.-Adapur, District-East Champaran at Motihari, Pin Code-845301.
10. Sachin Kumar, son of Late Vijay Prasad Yadav @ Vijay Ray, resident of Village-Gamhariya Khurd (Ward No. 10), P.O.-Gamhariya Khurd, P.S.-Adapur, District-East Champaran at Motihari, Pin Code-845301.
11. Manjeet Yadav, Son of Late Vijay Prasad Yadav @ Vijay Ray, resident of Village-Gamhariya Khurd (Ward No. 10), P.O.-Gamhariya Khurd, P.S.-Adapur, District-East Champaran at Motihari, Pin Code-845301.
12. Pravin Kumar, son of Late Vijay Prasad Yadav @ Vijay Ray, resident of Village-Gamhariya Khurd (Ward No. 10), P.O.-Gamhariya Khurd, P.S.-Adapur, District-East Champaran at Motihari, Pin Code-845301.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate
For the State : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-01-2024

1. Heard learned counsels for the parties.

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



- “(i) For issuance of an appropriate writ(s), order(s), direction(s) for quashing the order dated 23.01.2021 (Annexure-6) passed in Settlement Cancellation Case No. 28 of 2018-2019 by Collector-cum-District Magistrate, East Champaran, Motihari (Respondent No. 4) by which the said respondent has cancelled the Settlement Parcha No. 36 of 202- 03 to the petitioner which has already been duly issued in favour of the husband of the petitioner in view of the Bihar Privileged Persons Homestead Tenancy Act & Rule, 1947.
- (ii) For issuance of an appropriate writ(s), order(s), direction(s) to the respondents to not disturb the peaceful possession of the and respondent 2nd sets because they are enjoying the settled land as a dwelling house in view of settlement.
- (iii) And for any other relief/ reliefs for which the petitioners are found to be entitled in the facts and circumstances of the case, in the light of safeguard provided by the Constitution of India.”

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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