

Civil Writ Jurisdiction Case No.7086 of 2024

1. Braj Kishore Rai S/o Late Ramagya Rai, House No. 91, Near Hanuman Mandir, Ward No. 6, P.S. Birpur, Dist - Supaul, Bihar.
2. Ram Bahadur Thakur S/o Late Jai Deo Thakur, Ward No. 12, R/o Bhim Nagar, Supaul, Bihar.
3. Shiv Shankar Upadhyay S/o Late Girija Shankar Upadhyay, R/o Bhim Nagar, Supaul, Bihar, Pin Code-854338.

... .. 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 Commissioner, Saharsa Division, Saharsa.
4. The District Magistrate cum Collector, Supaul.
5. The Additional Collector, Supaul.
6. The Sub Divisional Magistrate, Birpur, Supaul.
7. The Deputy Collector Land Reforms, Birpur, Supaul.
8. The Circle Officer, Basantpur, Supaul.
9. Mr. Rudolf Strong S/o Late Kenneth Strong @Late Kannet Gorge Henry Strong, R/o Narpatpatti, P.S. Ratanpur, District - Supaul, Bihar.
10. Mr. John Strong S/o Late Kenneth Strong @ Late Kannet Gorge Henry Strong, R/o Narpatpatti, P.S. Ratanpur, District - Supaul, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh
For the Respondent/s : AC to SC-23

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-03-2025 1. Heard learned counsel for the petitioners and
learned AC to SC-23 for the State.

2. The learned counsel appearing on behalf of the petitioners submits that in the instant writ application, the original land owners Mr. Rudolf Strong and Mr. John Strong



have been impleaded as respondent nos. 9 and 10. It is next submitted that petitioners are purchasers of the land in dispute in the instant writ application from the respondent nos. 9 and 10, on which the learned counsel appearing on behalf of the State submits that the entire controversy which had arisen, has arisen after the order was passed by the Commissioner, Saharsa Division in Revision Case No. 17 of 2003 dated 11.05.2004 whereby the Commissioner had directed the Collector to resume the land in dispute under Section 87 of the BT Act, if no legal heirs of the land are found.

3. The learned counsel appearing on behalf of the State submits that if respondent nos. 9 and 10 are the owners of the land in dispute in the instant case, then they ought to have moved before the Board of Revenue against the order passed by the Commissioner, but then it appears from the pleadings made in the writ application that the order of the Commissioner was never put to challenge and the instant writ application has been filed by the petitioners on the ground that they purchased the land in dispute in the year 2017 and thereafter their names were mutated, it is thus submitted that if respondent nos. 9 and 10 are the legitimate owners of the land in dispute then they ought to have moved before an authority competent for getting



the order of the Commissioner set aside, on which the learned counsel appearing on behalf of the petitioners submits that the respondent nos. 9 and 10 are ready to take all legal recourse in the matter. It is further submitted that even the petitioners would move before the BLT.

4. At this stage, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the writ application with liberty to avail remedy in accordance with law.

5. Permission is accorded.

6. Accordingly, the instant writ application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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