

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1288 of 2015

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Jaggan Mandal, S/O-Late Ruchi Lal Mandal, Resident of village-Dhamdaha, P.S.-
Boushi Basaiti, Dist-Araria.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Araria.
3. The DCLR, Araria.
4. The Circle Officer, Raniganj, Araria.
5. The Officer-in-Charge, Police Station, Bausi, Raniganj, Araria.
6. Rajendra Singh, S/O-Bangali Singh
7. Shankar Singh, S/O-Rajendra Singh
8. Shubankar Singh, S/O-Rajendra Singh
9. Kinkar Singh, S/O-Rajendra Singh
10. Lilawati Devi, W/O Rajendra Singh
All Residents of village-Tammghatte, P.S.-Bousi Basaiti, Dist-Araria. Respondents

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Appearance :

For the Petitioner/s : Mr. Madhav Roy, Adv.

For the Respondent/s : Mr. SC13- ARVIND KUMAR NO. 1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 02-02-2015

Heard Mr. Roy, learned counsel for the petitioner and
learned S.C. -13 for the State. With the consent of the parties, the
present application is being disposed of at this stage itself.

In view of the order, this Court proposes to pass, notice
to private respondents would not be necessary.

The grievance of the petitioner is that he approached
respondent, Deputy Collector, Land Reforms, Araria for resolution of
dispute between him and the private respondents giving rise to Case
No. 52/2011-12 invoking jurisdiction of the Authority under Section
4(d) read with Section 9 of the Bihar Land Dispute Resolution Act,



2009. The Competent Authority i.e. Deputy Collector, Land Reforms after hearing both sides passed an order on 12.03.2013 whereby the claim of the writ petitioner was allowed and the private respondents (opposite parties to the proceeding before the D.C.L.R.) were directed to remove the encroachment from the subject land. The contention of the petitioner is that the said order has not been implemented by the Competent Authority for which diverse representations were filed before the Commissioner as well as the Collector of the Division/District.

Section 15 of the Bihar Land Disputes Resolution Act, 2009 (for short 'the Act') provides as under:

“15. Execution of the order passed by the Competent Authority.- The Competent Authority shall execute the order passed by him subject to order, if any, passed in appeal:

Provided that if no appeal is filed within the prescribed period he shall proceed to execute the said order either himself or authorize any other officer or employee to execute the same.”

Mr. Roy, Counsel for the petitioner has informed the Court that the order dated 12.03.2013 has not been appealed against by the respondents and as such, the order has become final.

In that case, this Court directs the petitioner to file an appropriate application before the Competent Authority i.e. Deputy Collector, Land Reforms invoking jurisdiction under Section 15 of the Act. If any such, application is filed the Competent Authority under

the Act will take necessary steps in the light of the rule/provision as quickly as possible preferably within one month of its filing.

The writ application stands disposed of.

(Kishore Kumar Mandal, J.)

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