

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10734 of 2014

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1. Md. Taib Sah son of Late Asmad Shah
 2. Md. Khurshid Shah son of Late Asmad Shah
 3. Md. Saddam Shah son of Late Mofil Shah
 4. Md. Sameed Shah son of Siddique Shah
- All are residents of village - Dargaha, P.S. Bhawanipur, P.O. Brahmganyi,
District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, the Department of Revenue, Govt. of Bihar,
Patna
3. The Commissioner, Bhagalpur Division, Bhagalpur
4. The Collector, Purnea, District - Purnea
5. The Superintendents of Police, Purnea, District Purnea
6. The Sub - Divisional Officer, Dhamdaha, District - Purnea
7. Sub - Divisional Officer, Dhamdaha, District - Purnea
8. Deputy Collector Land Reforms, Dhamdaha, District - Purnea
9. Circle Officer, Bhawanipur Block, District - Purnea
10. The Officer - in - Charge (S.H.O.) Bhawanipur Police Station, District
- Purnea
11. Md. Mubarak son of Sagir Mian
12. Amir Mian son of Late Ulfat Mian
13. Hayif Mian son of Late Sakru Mian
14. Md. Gyas Mian son of Late Shaid Mian
15. Md. Farhul Mian son of Late Nathan Mian
16. Md. Isaque Mia son of Ishan Mia
17. Md. Sahsher Mian son of Ishan Mian
18. Md. Islam Mia son of Late Rahmali Mian
19. Md. Ishan Mian son of Late Rahmali Mian
20. Irfan Shah son of Late Rahmali Mian
21. Bali Shah son of Late Sattar Sah
22. Saffer Mian son of Late Garbhu Mian
23. Md. Rizwan Mian son of Yunus Mian null
24. Hasim Sah son of Late Saffer Sah
25. Md. Umar Mian son of Farmud Mian
26. Sahrudin Mian son of Ali Bakas Mian
27. Musan Mian son of Late Nathan Mian
28. Kalim Mian son of Late Najif Mian
29. Kudus Mian son of Sajeer Mian
30. Munna Sah son of Late Sattar Sah
31. Ishaque Mian son of Jahur Mian

Respondent Nos. 11 to 31 are residents of village - Dargaha, P.S.
Bhawanipur, P.O. Brahmganyi, District - Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Prasad, Advocate
Mrs. Veena Kumari Jaiswal, Advocate

Mr. Dilip Kumar, Advocate
For the Respondent Nos. 1 to 10: Mr.Ranjan Kr.Singh, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-10-2016

Heard the learned counsel appearing on behalf of the petitioners and the learned State counsel appearing on behalf of the respondent nos. 1 to 10.

2. The only grievance of the writ petitioners in the present writ petition filed under Article 226 of the constitution of India is that though the case filed on behalf of the petitioner nos. 1 and 2 under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short “the Act,2009”) was allowed by order dated 28.10.2011 passed in Case No. 36 of 2010-11 by the respondent D.C.L.R., Dhamdaha, as contained in Annexure-3 to the writ petition, but that order is not being executed/implemented.

3. The learned counsel appearing on behalf of the petitioners submits that for implementation of the aforesaid order, the petitioners approached the respondent D.C.L.R. Dhamdaha, but no consequential action has been taken by him; therefore, they have approached this Court in the present proceeding.

4. The learned State counsel appearing on behalf of the respondent nos. 1 to 10, by referring to the averments made in the counter affidavit filed on behalf of the State and its functionaries, has contested the claims raised on behalf of the petitioners. He further pointed out that for implementation/execution of the order in question, the petitioners have an alternative remedy under the provisions of Section 15 of the Act, 2009, but in the whole writ petition the petitioners have neither brought any petition filed on their behalf under Section 15 of the Act, 2009 nor the case number has been disclosed.



5. After having heard the parties and taking into consideration the materials available on the record, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending or by issuing notices to the private respondent nos. 11 to 31, particularly, in the background that if an order under the provisions of the Act, 2009 has been passed by the competent authority and if that order has not been reversed or modified either by the appellate authority or by any higher court, then that has to be executed/implemented under the provisions of Section 15 of the Act, 2009 itself. Though the learned counsel appearing on behalf of the petitioners submits that the petitioners had approached the respondent D.C.L.R., Dhamdaha for redressal of their valid grievances, but indisputably, no petition filed under Section 15 of the Act, 2009 has been brought on the record. Even case number with respect to the case filed under Section 15 of the Act, 2009 has not been disclosed.

6. In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner nos. 1 and 2, in whose favour order impugned has been passed, to file an appropriate petition under Section 15 of the Act, 2009, if not already filed, with a certified copy of the present order within a period of one month from today. If such a petition is filed on behalf of the petitioner nos. 1 and 2 before the D.C.L.R., Dhamdaha, then he shall be obliged to initiate a proceeding under Section 15 of the Act, 2009 and that shall be taken to its logical conclusion in accordance with law, but before passing any final order, reasonable opportunity of hearing must be given to the petitioner nos. 1 and 2 as also the respondent nos. 11 to 31, besides others, if any.

7. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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