

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12345 of 2013

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Bashisth Vishwakarma S/O Parmeshwar Vishwakarma Resident Of Village -
Barimal, P.S. Fesar, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Aurangabad
3. The Land Reforms Dy. Collector, Aurangabad
4. The Anchal Adhikari, Aurangabad, District - Aurangabad
5. The Officer - In - Charge, Fesar Police Station, District - Aurangabad
6. Satya Narayan Singh Son Of Late Suraj Singh Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
7. Arjun Singh Son Of Late Suraj Singh Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
8. Sanjay Singh Son Of Late Suraj Singh Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
9. Nagendra Yadav Son Of Late Sukan Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
10. Bijendra Yadav Son Of Late Sukan Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
11. Mukesh Yadav Son Of Late Sukan Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
12. Yamuna Yadav S/O Late Ram Lagan Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
13. Chandradeep Yadav Son Of Late Indradeo Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
14. Halkhori Yadav Son Of Late Indradeo Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad
15. Tulsi Yadav S/O Late Bangali Yadav Resident Of Village - Barimal, P.O. Dosma, P.S. Fesar, District - Aurangabad

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 04-03-2016

Heard both sides.

The petitioner filed a dispute before the Deputy Collector
Land Reforms, Aurangabad (for short “DCLR”) vide case no. 07 of
2012. On hearing both sides, the application of the petitioner was



allowed. Aggrieved thereby the private respondent filed appeal no. 139 of 2012. The Appellate Authority vide order dated 09.08.2012 remanded the case back to the DCLR for passing a fresh order. On remand the DCLR after hearing the parties, vide order on 05.02.2013 passed in case no. 135 of 2012, restrained the private respondents from interfering with the title/possession of the petitioner over the subject land. The Circle Officer, Aurangabad as well as the Officer in-charge of the concerned police station was also directed to ensure the compliance of the order. It is stated that the respondent did not file any appeal their against. However, the petitioner is being denied the fruit of the order. The writ application, prays for a direction for implementation of the order dated 05.02.2013 (Annexure-2).

In my view, this Court cannot be reduced as an Executing Authority/Court of the order of the DCLR or any order passed by the Tribunal. From Annexure-3, it appears notice in the light of the order of the DCLR was issued by the Circle Officer, Aurangabad. The petitioner can agitate the grievance either before the Deputy Collector Land Reforms or before the District Collector who heads the administration at the district level. It is submitted that a representation in this regard has been filed before the District Magistrate which is pending consideration.

After hearing the parties, the writ application stands disposed of observing that the respondent Collector shall examine the grievance of the petitioner as raised in (Annexure-4) and take appropriate decision and/or pass appropriate order in accordance with law, preferably within six weeks from the date of receipt/production of copy of the order along with the copy of the representation.

(Kishore Kumar Mandal, J)

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