

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13516 of 2017

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Bhavesh Mishra Son of late Shubhkant Mishra resident of village -
Madhopur, P.S. - Benipatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue Department, Bihar,
Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Benipatti, Madhubani.
4. The D.C.L.R. Benipatti, Madhubani.
5. The Block Development Officer, Benipatti, Madhubani.
6. The Circle Officer, Benipatti, Madhubani.
7. Dukhi Kamati son of Hakaru Kamati
8. Hakaru Kamati son of late Lochan Kamati
9. Manoj Kamati son of Dukhi Kamati
10. Chandar Sahani, Son of Methur Sahani, Respondent No. 7 to 9
Residents of village - Madhopur, P.S. - Benipatti, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
Mr. Subodh Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19
Mr. Saurabh, AC to SC-19

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 14-11-2017

Learned counsel for the petitioner is permitted

to make necessary correction in the application.

Heard Mr. Devendra Kumar, learned counsel
for the petitioner and Mr. Saurabh, learned AC to SC-19.

Considering the nature of prayer and nature of
order intended to be passed, this Court is not inclined to adjourn
the matter any further and feels undesirable to issue notice to
private respondent nos. 7 to 9 and keep the matter needlessly



pending.

The present Writ application has been filed for implementation/execution of order dated 07.05.2013 passed in Land Dispute Resolution Case No. 247/2012-13 by respondent no. 4, D.C.L.R., Benipatti, Madhubani, as contained in Annexure-1, whereby respondent no. 6, the Circle Officer, Benipatti, Madhubani has been directed to take needful action in pursuance to the order passed in Title Case Nos. 9449/89 & 9450/89 under Section 106 of the B.T. Act.

It is submitted by learned counsel for the petitioner that the order contained in Memo No. 48 dated 10.01.2015 issued under the signature of respondent no. 3, Sub-divisional Officer, Benipatti suggests that in pursuance to the order passed by the D.C.L.R., Bennipatti, the Circle Officer, Benipatti was deputed as Magistrate and Sub-divisional Police Officer, Benipatti was requested to depute police force and date was fixed on 23.01.2015 for getting the encroachment removed, but till date nothing has been done.

Learned counsel for the State submits that the remedy of petitioner lies before the court concerned.

Section 15 of the Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as the 'Act')



prescribes procedure for execution of the order passed by D.C.L.R, whereas Section 15 of the Act provides punishment for obstruction in execution or willful disobedience for non-compliance of the final order. There is nothing on record to suggest that the order passed by the D.C.L.R. has been challenged before any superior authority. However, the petitioner has not filed any application for execution of the order under Section 15 of the Act.

In the circumstances, this Writ application is disposed of with liberty to the petitioner to file appropriate application before the concerned authority for execution of the order under Section 15A of the Act within a period of four weeks from today.

(Dinesh Kumar Singh, J)

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