

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8748 of 2018

Shivnath Paswan, Son of Late Bulaki Hazra, Resident of Village- Janerwa,
P.O. & P.S.- Banjaria, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur, Bihar.
3. The District Magistrate, Motihari, East Champaran.
4. The Sub Divisional Officer, Sadar, Motihari, East Champaran.
5. The D.C.L.R., Sadar, Motihari, East Champaran.
6. The Circle Officer, Banjariaa Sadar, Motihari, East Champaran.
7. Dadan Paswan,
8. Shambhu Paswan,
9. Gulab Paswan,
10. Sudarshan Paswan,
11. Gopi Chand Paswan,
All are son of Late Muneshwar Paswan,
12. Dukhi Paswan, Son of Khenari Paswan,
13. Lal Babu Paswan,
14. Sheo Shankar Paswan,
15. Vijay Shankar Paswan,
Respondent nos. 12 to 15 are sons of Raktu Paswan,
All are resident of Village- Janerwa, P.O. and P.S.- Banjaria, Anchal- Banjaria,
District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam- AAG-12

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2018

Heard learned counsel for the petitioner and the
Respondent-State.

The present writ application has been filed for a
direction to the Respondent authorities to restrain Respondent
nos.7 to 15 from interfering with the peaceful possession of the
petitioner over the land appertaining to Khata No.354, Plot
Nos.3514, 3516 and 3513, which were settled in favour of the



petitioner. Even vide order dated 26.05.2012 passed by Respondent no.5, the DCLR, Sadar, Motihari, the Respondent no.6, in Case No.17 of 2011-12, as contained in Annexure-2, whereby, the Circle Officer, Banjaria, Sadar, Motihari has been directed to restrain Respondent nos. 7 to 15 from creating any hindrance over the peaceful possession of the petitioner over the land in question. The said order has been affirmed by Respondent no.2, the Commissioner, Tirhut Division, Muzaffarpur vide order dated 03.02.2015, passed in BLDR Appeal No.310 of 2012, as contained in Annexure-3.

Since there is specific provision under Section 15 of the Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as the 'Act of 2009') for execution of the final order passed under the Act of 2009 and there is nothing on record to suggest that the petitioner has resorted to avail remedy under the aforesaid provision, this writ application is being disposed of with a liberty to the petitioner to approach the appropriate forum for execution of the final order passed under the Act of 2009.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

