

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14369 of 2011

1. Nand Kumar Singh.
2. Raj Kumar Singh. Both sons of Late Ramchandra Singh, R/O Vill.- Harsinghpur Kothi, Police Station and Anchal Sarai Ranjan, Distt.- Samastipur.

... .. Petitioners

Versus

1. The State Of Bihar.
2. The Presiding Officer-Cum-D.C.L.R., Samastipur.
3. The Anchal Adhikari, Sarai Ranjan, Distt.- Samastipur.
4. The Officer Incharge, Sarai Ranjan , P.S- Distt.- Samastipur.
5. Anil Kumar Singh, S/O Late Ram Kripal Singh, R/O Vill.- Harsinghpur Kothi, Police Station and Anchal Sarai Ranjan, Distt.- Samastipur.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Abdul Manan Khan and Md. Najmul Hodda, Advocates.
For Respondent No. 5	:	M/S. Amitabh Sohan and Pallavi Singh, Advocates.
For the State	:	Mr. Mahtab Alam, A.C. to S.C. 20.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 26-11-2018 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The following reliefs have been sought for by the
petitioners in the present writ petition.

- “1 (I) For issuance of a writ of certiorari or any other appropriate writ, order or direction for quashing the order dated 22.06.2011 in Misc.(Land Disputes Resolution Act) Case No. 13 of 2010 passed by the learned Presiding Officer-cum-D.C.L.R. Samastipur, most illegally and quite erroneously directing the Anchal Adhikari to get the petitioners land measured and to hand over the possession of the private respondent's so called encroached land to him.
- (II) For issuance of a writ of mandamus



or any other appropriate writ, order or direction restraining the respondents from interfering in the petitioners peaceful possession and occupation of the land-in-question and also from dispossessing him from the same.”

The petitioners have got legal remedy under Section 14 of the Bihar Land Disputes Resolution Act, 2009 for preferring an appeal against the order under challenge before the Commissioner.

The following is the provision under Rule 14.

“ 14. Appeal before the Commissioner-

(1) Any party aggrieved by the order passed by the Competent Authority may file an appeal before the Commissioner within whose jurisdiction the order has been passed, within a period of thirty days from the date of the order. 1(Provided that the Commissioner may condone the delay in filing the appeal beyond the period of 30(thirty) days if he is satisfied that there was sufficient cause for not filing the appeal within the prescribed period:

Provided further that a person, who was not a party to a case in the court of Competent Authority and is adversely affected by an order passed by the Competent Authority, may file an appeal before the Appellate Authority, after obtaining leave from the Appellate Authority, the Appellate Authority shall dispose of the petition filed before him, for granting the aforesaid leave to file an appeal directly, within 21 (twenty one) working days of filing of such petition).

(2) On receipt of appeal, the Commissioner shall immediately cause



notice to be issued to the contesting parties allowing 15 days time for appearance and submit reply to the appeal, if any.

(3) The Commissioner shall thereafter proceed to hear the appeal and may pass such order allowing, modifying, reversing or affirming the order passed by the Competent Authority as he may deem fit in accordance with law.

(4) The order passed by the Commissioner shall be final and no further appeal or revision shall lie before any other authority.”

The petitioners are directed to prefer an appeal under Rule 14 of the Bihar Land Disputes Resolution Act, 2009 within a period of 45 days from today.

With the aforesaid observations and directions, the present writ application stands disposed of.

U.K./-

(Sudhir Singh, J)

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