

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5163 of 2019**

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Chandeshwar Chaudhary, aged about 58 years, Gender-Male, S/o Late  
Dinanath Chaudhary Vill.- Sherpur, P.o.-Sherpur, P.s.-Maner, Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna
2. The District Magistrate Patna
3. The Sub Divisional Magistrate Patna
4. The Land Reforms Deputy Collector Danapur, Patna
5. The Circle Officer Maner, Patna
6. The Officer-In-Charge Maner Police Station, Patna
7. Raj Kishore Rai aged about 50 years, Gender-Male S/o ..... Vill.- Sherpur, P.o.-Sherpur, P.s.-Maner, Distt.-Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Jay Ram Prasad  
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      15-03-2019                      Heard learned counsel for the parties.

2. The petitioner wants execution of an order dated 10.07.2015, passed by the competent authority under Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as 'the Act') in Land Dispute Case No. 118/2015-15, whereby the Circle Officer and the Officer In-charge of Maner were directed to take steps to protect the interest of the petitioner. The petitioner had approached the competent authority with a grievance that a piece of land



appertaining to Khata No. 838, Keshra Nos. 1749 and 1748, admeasuring 4 decimal was purchased by his mother in the year 1969 and since then they were in peaceful possession. Since the petitioner wanted to construct a new house since the old one was in dilapidated condition, they had started construction work. Respondent No.7, it is alleged, however, caused obstructions. It is indicated in the order dated 10.07.2015, passed by the competent authority that despite notice respondent no.7 did not appear and the said order dated 10.07.2015, has been passed accordingly, *ex parte*. It is the petitioner's grievance that despite the order having been passed in the year 2014, the respondents have not allowed the petitioner to construct the house.

3. It is asserted that the petitioner had been approaching the authorities for implementing the order dated 10.07.2015, but till that no step has been taken. My attention has been drawn to Annexure-4 of the writ application, which is a representation dated 08.04.2017, addressed to the District Magistrate, Patna.

4. In the said letter dated 08.04.2017, the petitioner has alleged that respondent No.7 is in forcible possession over part of the land in question. It has also been



asserted that despite the fact that the petitioner approached Government functionaries for implementation of the order of the Deputy Collector Land Reforms, the same could not be maintained.

5. On close reading of the order of the Deputy Collector Land Reforms dated 10.07.2015, and petitioner's representation dated 08.04.2017, it can be easily noticed that the fact whether the petitioner is in actual possession over the land in question is itself not clear. On the one hand, the petitioner is claiming possession over the entire piece of land purchased by his mother, in his representation he is asserting that respondent No.7 has forcibly occupied possession over some part of the land.

6. In the present proceeding under Article 226 of the Constitution of India, the Court cannot issue any direction, in such circumstance, for implementation of the order of the Deputy Collector Land Reforms.

7. However, there is power vested in the Deputy Collector Land Reforms under Rule 30 of the Bihar Land Dispute Resolution Rules, 2010 to implement various orders passed under the Act.

8. The petitioner shall have liberty to approach



competent authority under Rule 30 of the Rules for redressal of his grievance.

9. This application stands disposed of.

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**(Chakradhari Sharan Singh, J)**

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