

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15716 of 2019

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Kanhaiya Shahi Son of Late Bhup Narayan Shahi Resident of Village Ahirwalia, Police Station- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms Government of Bihar, Patna.
2. The District Magistrate District West Champaran at Bettiah.
3. The Sub- Divisional Magistrate Bagaha, District West Champaran at Bettiah.
4. The Deputy Collector Land Reforms, Bagaha, District West Champaran at Bettiah.
5. The Circle Officer Bagaha Anhal I, District West Champaran at Bettiah.
6. Shambhu Shahi Son of Ramaldhar Shahi Resident of Village Ahirwalia, Police Station Chautarwa, Bagaha, District West Champaran.
7. Dhanjeet Shahi Son of Late Ramadhar Shahi Resident of Village Ahirwalia, Police Station Chautarwa, Bagaha, District West Champaran.
8. Manoj Shahi Son of Late Jata Shahi Resident of Village Ahirwalia, Police Station Chautarwa, Bagaha, District West Champaran.
9. Chandeshwar Shahi Son of Late Krishna Narayan Shahi Resident of Village Ahirwalia, Police Station Chautarwa, Bagaha, District West Champaran.
10. Anand Shahi Son of Ghanshyam Shahi Resident of Village Ahirwalia, Police Station Chautarwa, Bagaha, District West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Shailesh Kumar Mr.Zainul Abedin
For the State	:	Mr.Subash Chanda Yadav (GP-15) Mr. Rakesh Kumar Shrivastava, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 02-08-2019 This writ application has been filed, seeking a direction to respondent no.3, the Circle Officer, Bagaha, to comply with the order dated 13.10.2017, passed by the Deputy Collector Land Reforms, Bagaha in Land Disputes Resolution Case No. 09 of 2016-17. The order, which the petitioner wants



to be implemented, has apparently been passed under the provisions of the Bihar Land Disputes Resolution Act, 2009 (for short 'the Act'). Section 15 of the Act deals with the execution of an order, passed by the competent authority, which is being reproduced hereinbelow:-

“15. Execution of the order passed by the competent authority.- The Competent Authority shall execute the order passed by him subject to order if any passed in appeal:-

Provided that if no appeal is filed within the prescribed period he shall proceed to execute the said order either himself or authorize any other officer or employee to execute the same.”

Since the petitioner has alternative, efficacious statutory remedy available under Section 15 of the Act for redressal of the grievance, which he has raised in the present writ application, I am not inclined to interfere with the matter.

This writ application is accordingly disposed of with an observation that the petitioner shall be at liberty to make an application for execution of the order before the competent authority under Section 15 of the Act.



Learned counsel for the petitioner states that the petitioner has already approached the Deputy Collector Land Reforms, and despite the order of the Deputy Collector Land Reforms in the execution proceeding, the Circle Officer is not taken effective steps.

Section 15A of the Act stipulates punishment for obstruction in execution or wilful disobedience or non-compliance of the final order.

It will be open to the petitioner to draw the attention of the Collector of the district, if any official enjoined with the duty of implementation of the order is refusing to do so, for the purpose of taking Action under Section 15A of the Act.

(Chakradhari Sharan Singh, J)

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