

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8195 of 2021

1. Rajendra Prasad S/o Late Narayan Garain resident of Village and Post Office - Beswak, P.S. Islampur, District- Nalanda, Bihar- 801303.
2. Birendra Prasad S/o Late Baleshwar Prasad resident of Village and Post Office - Beswak, P.S. Islampur, District- Nalanda, Bihar- 801303.
3. Keshav Prasad @ Kesho Prasad S/o Late Harihar Singh resident of Village and Post Office - Beswak, P.S. Islampur, District- Nalanda, Bihar- 801303.
4. Kamlesh Prasad S/o Late Harihar Singh resident of Village and Post Office - Beswak, P.S. Islampur, District- Nalanda, Bihar- 801303.
5. Devendra Kumar Singh S/o Jag Lali Yadav resident of Village and Post Office - Beswak, P.S. Islampur, District- Nalanda, Bihar- 801303.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, govt. of Bihar, Patna.
2. The Principal Secretary, Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Rural Works Dept., Govt. of Bihar, Patna.
4. The Additional Secretary, Rural Works Dept., Govt. of Bihar, Patna.
5. The Chief Engineer, rural Works Dept., Govt. of Bihar, Patna.
6. The Executive Engineer, Work Division- Hilsa, Nalanda Rural Works Department.
7. The District Magistrate - cum - Collector, Nalanda.
8. The Sub-Divisional Officer, Hilsa, Nalanda.
9. The Circle Officer, Islampur, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pratik Kumar Sinha
For the Respondent/s	:	Mr.Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-12-2023 Heard learned counsel for the petitioner and State.

2. This writ application has been filed seeking direction to the respondents to measure and demarcate the *rayati* land, which petitioners claim to have purchased through registered sale-deed.



3. At the outset, learned counsel for the State raises preliminary objection to the effect that petitioners have got statutory / alternative remedy by way of filing application before the L.R.D.C. under Bihar Land Disputes Resolution Act, 2009. Learned State counsel further submits that grievance of the petitioners relates to boundary dispute and construction of unauthorized structure, which have been enumerated in Section 4(1)(h) and 4(1)(i) of the Bihar Land Disputes Resolution Act, 2009, which reads as follows:

“4. Jurisdiction and authority to resolve disputes. - (1) The Competent Authority shall have jurisdiction and authority to hear and adjudicate, on an application or complaint or on any application referred to by a Prescribed Authority or officer; any issue arising out of following types of disputes:-

(h) Boundary disputes;

(i) Construction of unauthorized structure.”

4. Learned counsel for the petitioners does not dispute the above proposition. However, he requests for disposal of the writ application granting liberty to the petitioners to seek remedy before the appropriate forum i.e. L.R.D.C., as may be available to him, in accordance with law.

5. If such application is filed before the competent authority / L.R.D.C. within a period of six weeks from today, the same shall be disposed of after hearing the parties in



accordance with law preferably within a period of six months from the date of filing of such application.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid observations and directions.

(Prabhat Kumar Singh, J)

anay/-

U			
---	--	--	--

