

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3916 of 2020

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1. Bindeshwar Paswan Son of Late Baleshwar Paswan Resident of Village- Kosut, P.S.- Bihar at Deep Nagar, District- Nalanda.
 2. Balmiki Paswan Son of Late Baleshwar Paswan Resident of Village- Kosut, P.S.- Bihar at Deep Nagar, District- Nalanda.
 3. Jamindar Paswan S/o Babulal Paswan Resident of Village- Kosut, P.S.- Bihar at Deep Nagar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Commissioner, Patna Division, Patna.
4. District Magistrate cum Collector, Nalanda.
5. Sub Divisional Officer, Nalanda.
6. Circle Officer, Bihar Sharif, District- Nalanda.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-12-2023 Heard learned counsel for the petitioners and State.

2. This writ application has been filed for issuance of direction to the respondents authorities not to interfere in the peaceful possession of the petitioners over the land appertaining to Khata No. 170, Plot No. 382, 441, 444, 450 measuring an area 6 acre situated at Mauza – Kosut, Thana No. 96, District – Nalanda and further to hold that the said lands were settled with the father of the petitioners, vide order dated 06.04.1957 and 22.05.1957 in Land Settlement Case No. 76/1956-57 by the



respondent no. 6 and those lands are coming in the peaceful possession of the father of the petitioners and thereafter the petitioners, as his successors.

3. It is submitted on behalf of petitioners that father of the petitioners no. 1 & 2 namely Late Baleshwar Paswan and father of petitioner no. 3 namely Babu Lal Paswan and their uncle namely Sipahi Paswan were settled with 6 acres of the land in question, vide order dated 06.04.1957 passed in Land Settlement Case No. 76/1956-57, vide memo no. 392 passed and issued by the respondent no. 6/Circle Officer. Accordingly, the aforesaid land was mutated in the name of Sipahi Paswan Babulal Paswan and Baleshwar Paswan, vide order dated 22.06.1957 and thereafter, aforesaid 6 acres of land were distributed amongst them. Thereafter, petitioners being successors paying rent for the aforesaid land measuring an area of 4 acres, out of which, 2 acres belong to petitioner nos. 1 & 2 and 2 acres belongs to petitioner no. 3 and since then, they are coming in peaceful possession of the land in question. But unfortunately, the respondent authorities are trying to dispossess the petitioners from the land in question on the ground that some other person would be given shelter over the land in question and as such, the respondents have destroyed / ruined



the standing crops by JCB Machine.

4. Learned counsel for the State appears and raises preliminary objection to the effect that petitioners have got statutory / alternative remedy by way of filing application before the L.R.D.C. in terms of Section 4(1)(a) 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:-

(a) Unauthorised and unlawful dispossession of any settlee or allottee from any land or part thereof, settled with or allotted to him ¹[Or under any Act or policy of the State or Central Government providing for settlement of Government land to the persons of any specified category.] under any Act contained in Schedule-1 to this Act by issuance of any settlement document/parcha by a Competent Authority;”

5. Learned counsel for the petitioner does not dispute the above proposition. However, he requests for disposal of the writ petition granting liberty to the petitioners to seek remedy before the appropriate forum as may be available to him in accordance with law.

6. If such application is filed before the authority concerned within a period of six weeks from today, the authority



concerned shall dispose of the same after hearing the parties in accordance with law preferably within a period of six months from the date of filing of such application.

7. 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.

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

(Prabhat Kumar Singh, J)

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