

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4772 of 2016

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Md. Akhlaque Azam S/o Late Kashim Sidique, R/o Village- Arniya, P.S. Jandaha, Distt- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Hazipur, Vaishali.
3. The Deputy Collector Land Reform, Mahua, Vaishali.
4. The Circle Officer, Jandaha, District- Vaishali.
5. Md. Idris S/o Late Shekh Reyazul, R/o Village- Arniya, P.S. Jandaha, Distt- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma
For the Respondent/s : Mr.Raj Nandan Prasad- Sc9

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioner and State.

2. This writ application has been filed against order dated 02.01.2015 passed in Land Dispute Resolution Case No. 422 of 2012-13, by the Deputy Collector Land Reform, Mahua, Vaishali (respondent no. 3) whereby and whereunder a direction has been issued to remove constructed road i.e. over plot no. 971 and 970 from middle portion as shown in said map appertaining to village – Chandsarai and further direction has been issued to reconstruct road from the boundary of the said land.

3. Learned State counsel submits that petitioner has statutory / alternative remedy of appeal under Section 14 of the



Bihar Land Disputes Resolution Act, 2009 before the Commissioner. Section 14 of the Bihar Land Disputes Resolution Act, 2009 reads as follows:

*“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.*

[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.”



4. In that view of the matter, the writ application can be disposed of granting liberty to the petitioner to move before the competent authority by filing an appeal in accordance with law.

5. If such appeal is filed, the authority concerned is directed to dispose of the same preferably within a period six months from the date of filing of such representation.

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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

7. With above observation and direction, the writ application stands disposed of.

(Prabhat Kumar Singh, J)

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