

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7756 of 2021

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1. Fasiur Rahman Son of Late Abdur Rahman Resident of Village- Chandardai, P.S.- Araria R.S., District- Araria.
 2. Nasimur Rahman Son of Late Zillur Rahman Resident of Village- Chandardai, P.S.- Araria R.S., District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector Araria, District- Araria.
2. Bhudan Yagya Committee, Patna through its Secretary, Patna.
3. The District Bhudan Yagya Committee Araria through its Secretary, Jay Prakash Nagar, P.S.- Araria, District- Araria.
4. Gram Sabha Zila Bhudan Samiti Araria, P.S.- Araria, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-12-2023 Heard learned counsel for the parties.

2. This writ petition has been filed for direction to respondent authorities to return of 43.53 acres of land, as mentioned in paragraph 1 of the writ petition, in favour of the petitioners, as these petitioners never gifted said land in favour of the Bhudhan Committee.

3. At the outset, learned counsel for the State raises preliminary objection and submits that grievance of the petitioner regarding correction of entry made in the Record of Rights including map/ survey map, falls under Section 4(1) (f) of The Bihar Land Disputes Resolution Act, 2009 which reads as:

"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:-

(f) Correction of entry made in the Record of Rights including map/ survey map."

4. Learned counsel for the petitioners does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Grievance of these petitioners relates to correction of entry made in the Record of Rights including map/ survey map, which falls under Section 4(1)(f) of the Bihar Land Disputes Resolution Act, 2009. Petitioner has statutory alternative remedy available which he can avail in accordance with law.

6. Petitioners shall be at liberty to seek remedy before the competent authority as may be available to him in accordance with law.

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. This writ petition is accordingly disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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