

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17905 of 2014

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Upendra Nath Tiwary, Son of Late Sukhdeo Tiwary, Resident of Village - Harihas, Police Station - Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Saran at Chapra.
3. The District Magistrate, Siwan.
4. The Dy. Collector, Land Reforms, Siwan.
5. The Circle Officer, Hussainganj, Siwan.
6. The Sub Divisional Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Prakash Singh, Advocate
		Mr. Bijay Shankar Choubey, Advocate
For the Respondent/s	:	Mr. Jawed Gaffar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 27-06-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present petition has been filed for a direction to the respondents to get the encroachment removed over the land of the petitioner admeasuring 7 dhurs which part of Khata No. 1528, Survey No. 2945, having specific boundary with further prayer that in view of the order dated 28.01.2023 (Annexure-1 to the writ petition) passed by the Deputy Collector Land Reforms in Bihar Land Dispute Resolution Case No. 160/2012-13 and also in the light of the orders dated



06.04.2013, 22.04.2013, 24.04.2013 passed in Proceeding Case No. 01 of 2013-14 arising out of B.L.D.R. Case No. 160 of 2012-13 and further to declare the said land to be exclusive land of the petitioner.

3. Learned counsel for the petitioner submits that the order passed in B.L.D.R. Case No. 160 of 2012-13 was in favour of the petitioner and its execution is necessary. He further submits that the petitioner has already deposited the required cost for deployment of police force to make his land encroachment free, but till date the land in question has not been made encroachment free.

4. Learned counsel for the State submits that power of execution of the order passed in the Bihar Land Dispute Resolution Case is vested in Sections 15 and 16 of the Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as 'the Act of 2009') and in view of the said provisions, the petitioner ought to have approached the competent authority for redressal of his grievances, but even then the petitioner has preferred the writ petition.

5. Upon going through the pleadings and the position of law, it is clear that Sections 15 & 16 of the Act of 2009 clearly states about the execution of the order passed by the



competent authority, i.e. Bihar Land Dispute Land Resolution, therefore, the remedy lies for the petitioner is to take recourse of law.

6. As such, this writ petition is disposed of with a direction to the petitioner to avail his remedy in accordance with law as laid down in the Act of 2009 by way of filing fresh representation along with a copy of this order within a period of four weeks from today.

7. It is expected from the competent authority under the Act of 2009 that he shall do the needful within a period of eight months from the date of filing of fresh representation by the petitioner in this matter.

8. With the above observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2023
Transmission Date	NA

