

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9064 of 2020

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Krishna Singh @ Krishnandan Singh Son of Ram Ishwar Singh, Resident of
Village- Belaon, P.S. - Kaler, District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue Department, Government of Bihar, Patna.
3. The Principal Secretary Panchayati Raj Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The Collector, District - Arwal.
6. The D.D.C. Arwal, District - Arwal.
7. The Incharge Officer, District Revenue, District - Arwal.
8. The Additional Collector, District - Arwal.
9. The Sub Divisional Officer Sub Divisional , Arwal.
10. The Circle Officer, Kaler Circle (Block), District - Arwal.
11. The Block Development Officer, Block Kaler, District - Arwal.
12. The Circle Inspector Circle- Kaler, District - Arwal.
13. The Halka Karmchari Gram Panchayat, Belaon, Circle- Kaler, District - Arwal.
14. The Mukhiya Gram Panchayat, Balaon, P.S. - Kaler, District - Arwal.
15. The Sarpanch Gram Panchayat Belaon, P.S.- Kaler, District - Arwal.
16. The Accountant General Bihar (Lekha and Hakadari) Mahalekhakar Bhawan, Veerchand Patel Path, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Prasad Singh, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha, SC-19
		Mr.Saurabh Kumar AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 04-12-2023 Heard learned counsel for the petitioner and learned

State counsel.



2. This writ application has been filed for quashing letter 98/२१० dated 15.02.2019 whereby the settled land of the petitioner has been transferred by District Collector, Arwal for construction of Panchayat Sarkar Bhawan treating the land as *Gair Mazarua* Land.

3. It is the contention of the petitioner that the land in question was settled in the name of ancestor of petitioner and since then, they are in peaceful possession of the land in question and after the death of father of the petitioner, the rent was being paid by the petitioner. Name of ancestor of petitioner is also mentioned in Kramic Khatiyan. But due to local politics, a proposal has been sent for construction of Panchayat Bhawan on the land of the petitioner. Vide letter 98/२१० dated 15.02.2019, the Collector, Arwal has recommended the transfer of aforesaid land of the petitioner for construction of building of Panchayat Sarkar Bhawan in Beloan Gram Panchayat, Block Kaler, District – Arwal and as such, being aggrieved and dissatisfied, the petitioner has filed the instant writ application.

4. Learned counsel for the State appears and raises preliminary objection to the effect that the petitioner has 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. From perusal of the record, it is apparent that the grievance of the petitioner relates to unauthorized and unlawful dispossession from the land in question, which has been settled with the ancestor of petitioner by the State Govt., which falls under Section 4(1)(a) of the Bihar Land Disputes Resolution Act, 2009 and as such, petitioner has got alternative remedy of filing application before the L.R.D.C. in accordance with law.

6. Learned counsel for the petitioner does not dispute the above proposition of law and as such, he requests for disposal of the writ application granting liberty to seek remedy before the L.R.D.C. / appropriate forum, as may be available to him, in accordance with law.



7. If such application is filed before the authority concerned, the same shall 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.

8. 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.

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

(Prabhat Kumar Singh, J)

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