

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8766 of 2023

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Ranjit Mandal Son of Late Jata Mandal @ Jay Mandal, Resident of Village-
Baliya Ward No.- 04, P.O.- Kamrauli, P.S.- Simri, block- Bahadurpur,
District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Darbhanga.
2. The Deputy Collector Land Reform, Darbhanga.
3. The Circle Officer, Bahadurpur, Darbhanga.
4. Sudisht Raut Son of Jay Lal Raut, Resident of Village- Baliya, P.S.- Simri,
Block- Bahadurpur, District- Darbhanga.
5. Subodh Raut Son of Ramavtar Raut, Resident of Village- Baliya, P.S.- Simri,
Block- Bahadurpur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2023 Heard learned counsel for the parties.

2. This writ application has been filed for issuance of direction to respondent authorities to measure and demarcate the ancestral land of the petitioner bearing Khata No. 138, old Khesra No. 301 and 302, Khata No. 140, old Khesra No. 294, 303 and 304 bearing 18 Decimal of land and Khata No. 182, old Khesra No. 299 and Khata No. 150, old Khesra No. 300 bearing 06 Decimal of land situated at Mauza- Baliya, Anchal- Bahadurpur, District- Darbhanga and for freeing the above mentioned land from possession of respondent Nos. 4 and 5.

3. Learned counsel for the State raises preliminary



objection and submits that grievance of the petitioner relates to boundary dispute which falls under Section 4(1)(h) 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:-

(h) Boundary disputes;”

4. Learned counsel for the petitioner 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 the petitioner relates to boundary dispute which falls under Section 4(1)(h) of the Bihar Land Disputes Resolution Act, 2009. Petitioner has statutory alternative remedy available which he can avail in accordance with law.

6. Petitioner shall be at liberty to seek remedy before the appropriate forum 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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

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

(Prabhat Kumar Singh, J)

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