

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8662 of 2023

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Vanshidhar Ram Son of Late Jagnarayan Ram, Resident of Village- Karmahi,
P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector, Aurangabad, District- Aurangabad.
3. The Additional Collector, Aurangabad, District- Aurangabad.
4. The Deputy Collector, Land Reforms, Daudnagar, District- Aurangabad.
5. The Circle Officer, Daudnagar, District- Aurangabad.
6. Sushama Kumari, Wife of Dharmendra Kumar, Resident of Village- Bandhu Bigha, P.S.- Mahandia, District- Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Chandra Bhaskar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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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 quashing order dated 27.04.2023 passed by learned Deputy Collector, Land Reforms, Daudnagar, Aurangabad (Respondent No. 4) in Land Dispute Case No. 124/2022-23 whereby he has decided the title over the land in question bearing Khata No. 621, Plot No. 2247 Rakawa 1.286 decimal and 8.854 decimal in favour of respondent No. 6.

3. Learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to



the petitioner by way of filing appeal under Section 14 of The Bihar Land Disputes Resolution Act, 2009 which reads as:

“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.

¹[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:]

²[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 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. 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.

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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