

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9602 of 2023

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Mohd. Hafizuddin S/o Sheikh Abdul Hasan, R/o Lakhaaura, P.S. - Lakdi Nabiganj, (Basantpur), District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Secretary, Home Department (Police), Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Siwan, District - Siwan.
5. The Superintendent of Police, Siwan, District - Siwan.
6. The Sub Divisional Officer, Maharajganj, District - Siwan.
7. The Deputy Collector Land Reforms, Maharajganj, District - Siwan.
8. The Circle Officer, Lakdi Nabiganj, District - Siwan.
9. The SHO, Basantpur Police Station, District - Siwan.
10. Nagendra Manjhi, S/o Bhagirath Manjhi, R/o - Lakdi Nabiganj, P.S. - Lakdi Nabiganj (Basantpur), District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and State.

2. This writ application has been filed in the light of order dated 21.05.2012 passed in Case No. M-336/2012 by the S.D.M., Maharajganj and order dated 19.03.2013 passed in Case No. 90/2012-13 by the DCLR, Maharjganj, whereby restraining order has been passed against private respondents and Circle Officer as well as SHO of Basantpur have been directed to ensure that land of the petitioner be not encroached forcefully.



3. It is the contention of the petitioner that in spite of order dated 19.03.2013 passed in Case No. 90/2012-13 by the DCLR, Maharjganj, till date, the order has not been executed.

4. Learned counsel for the State raises preliminary objection to the effect that petitioner has got an alternative remedy under Section 15 of the Bihar Land Disputes Resolution Act, 2009, which reads as under:

“15. Execution of the order passed by the Competent Authority.- The Competent Authority shall execute the order passed by him subject to order, if any, passed in appeal:

Provided that if no appeal is filed within the prescribed period he shall proceed to execute the said order either himself or authorise any other officer or employee to execute the same.”

5. In view of the aforesaid facts and circumstances, petitioner is directed to file fresh application before the competent authority in accordance with law within a period of six weeks from today.

6. In the event such application is filed by the petitioner within the stipulated time period, the authority concerned shall dispose of the same in accordance with law after hearing the parties, preferably, within a period of six months from the date of filing of such application.

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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