

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9817 of 2023

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Smt. Sushila Kumari D/o Late Rajendra Prasad Verma, W/o Late Nripendra Kumar, Resident of Mohalla-A/36, Vijay Nagar, A-Sector, Hanuman Nagar, B.H. Colony, P.S.-Patrakar Nagar, Town and District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department of Bihar.
2. The Dy. Collector Land Reforms (D.C.L.R.) Patna Sadar, Dist-Patna.
3. The Circle Officer, Phulwari Sharif, Distt-Patna.
4. Ajit Kumar, S/o Late Rajendra Prasad, Resident of Mohalla-Subhash Nagar, Prabhat Nagar Grih Nirman Samiti, Member-Society Plot No. 5, P.O.-Jaganpura, P.S.-Ram Krishna Nagar, Dist-Patna, Pin-800027.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate
For the Respondent/s : Mrs.Nutan Saya, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned
A.C. to A.A.G. - 12.

2. This writ application has been filed for quashing the order dated 14.02.2023 passed by the D.C.L.R., Patna in Land Dispute Case No. 83 of 2022-23 (Annexure – 7). By the said order, the D.C.L.R. has rejected the application filed by the petitioner under Section 4 of the Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as “B.L.D.R.Act”).

3. At the very outset, learned counsel for the respondent / State raises preliminary objection on the point of maintainability of the writ application and submits that



petitioner has got alternative remedy by way of filing an appeal before the Commissioner under Section 14 of the B.L.D.R.Act, which reads as follows:-

*“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.*

[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:

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, after obtaining leave from the Appellate Authority. 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 and requests for disposal of the writ application granting liberty to the petitioner to file appeal before the learned Commissioner, Patna.

5. In the above view of the matter, this writ application is disposed of with liberty, as indicated above. If such application is filed by the petitioner, the authority concerned shall examine the same, after hearing the parties, and pass appropriate order in accordance with law.

6. It goes without saying that if any question of limitation arises before the authority concerned, 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.

7. Writ application stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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