

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9474 of 2023

Upendra Parihast @ Upendra Pratihast S/o Late Satyadev Parihast, Resident of village - Korabadwa Tabhka P.S. Bibhutipur, Dist-Samstipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Darbhanga.
2. The District Magistrate, Dharbhanga.
3. The District land reforms officer, Sadar Darbhanga .
4. The Circle officer Bahadurpur District, Darbhanga.
5. Ramesh Mishra Son of Late Harikant Mishra, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
6. Sujit Mishra Son of late Harikant Mishra, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
7. Arun Mishra Son of Jai kant Mishra, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
8. Baua Mishra Son of Jai Kant Mishra, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
9. Ganesh Mishra Son of Suryakant Mishra, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
10. Munendra Thakur Son of late Kapileshwar Thakur, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
11. Raja Thakur Son of Munendra Thakur, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
12. Kripal Thakur Son of Nageshwar Thakur, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
13. Deepak Thakur Son of Kripal Thakur, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.
14. Raj Narayan Thakur Son of Baleshwar Thakur, Residence of village Jalwar, P.S-Simri, Dist-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

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 seeking



direction to the respondents to measure and demarcate the land of the petitioner, which petitioner claims to be Khatiyani rayati land.

3. At the outset, learned counsel for the State raises preliminary objection to the effect that petitioner has got statutory / alternative remedy by way of filing application before the L.R.D.C. Learned State counsel further submits that grievance of the petitioner relates to boundary dispute, which has been enumerated in Section 4(1)(h) 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:-

(h) Boundary disputes.”

4. Learned counsel for the petitioner does not dispute the above proposition. However, he requests for disposal of the writ application granting liberty to the petitioners to seek remedy before the appropriate forum i.e. L.R.D.C./Respondent no. 3, as may be available to him, in accordance with law.

5. If such application is filed before the competent authority / L.R.D.C. within a period of six weeks from today,



the same shall be 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.

6. 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.

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

(Prabhat Kumar Singh, J)

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