

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10172 of 2023

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Shail Sinha W/o Sri Jawahar Prasad Singh, Resident of Village-Lat Basepura,
P.s. Musarigharari, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Samastipur.
3. The Deputy Collector Land Reforms, Samastipur.
4. The Circle Officer, Sarairanjan, Samastipur.
5. The Officer in Charge, Musarigharari, Samastipur.
6. Ramprit Paswan, S/o Late Dhaneshwar Paswan, Ro Village-Latbasepura, P.s. Musarigharari, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Respondent/s : Mr. Sajid Salim Khan (Sc 25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-12-2023

Heard learned counsel for the parties.

2. This writ application has been filed for implementation of order dated 08.08.2015 passed by the Deputy Collector, Land Reforms, Samastipur (Respondent No. 3) in Land Dispute Case No. 121 of 2011.

3. Learned counsel for the State submits that petitioner has got grievance with respect to implementation of the order passed by Respondent No. 3 and raises preliminary objection to the effect that an alternative remedy is available to the petitioner under Section 15 of The Bihar Land Disputes Resolution Act, 2009 which reads as:

***“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.”

4. 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.

5. 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.

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.

(Prabhat Kumar Singh, J)

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