

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9824 of 2023

1. Mahadev Yadav @ Mahadev Ray @ Madhav Yadav S/o- Late Janak Yadav Resident of Village- Chhapara Bahas, Anchal- Sugauli, P.S.- Sugauli, District- East Champaran.
2. Mantosh Yadav @ Mantosh Kumar, S/o- Late Lalsa Yadav Resident of Village- Chhapara Bahas, Anchal- Sugauli, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of Land Reforms and Revenue Department, Government of Bihar at Patna.
2. The Collector, of East Champaran at Motihari.
3. The S.D.O. Motihari Sadar, at Motihari.
4. The Deputy Collector of Land Reforms, Motihari Sadar at Motihari.
5. The Circle Officer, Sugauli, District- East Champaran.
6. The Officer In-charge, Sugauli, District- East Champaran.
7. Chuman Paswan, Son of Late Doman Paswan Resident of Village- Chhapara Bahas, (Tola Bankatwa, Ward No. 13), P.S. and Anchal- Sugauli, District- East Champaran.
8. Suman Paswan, Son of Late Doman Paswan Resident of Village- Chhapara Bahas, (Tola Bankatwa, Ward No. 13), P.S. and Anchal- Sugauli, District- East Champaran.
9. Biran Paswan, Son of Late Doman Paswan Resident of Village- Chhapara Bahas, (Tola Bankatwa, Ward No. 13), P.S. and Anchal- Sugauli, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-12-2023

Heard learned counsel for the parties.

2. This writ petition has been filed for the issuance of a writ in the nature of mandamus to the respondents for compliance of the order dated 29.11.2022 passed by The Deputy



Collector of Land Reforms, Motihari Sadar in Case No. 34/22-23 by which order/direction was issued to the Circle Officer Sugauli for demarcation of the land in question and thereafter confirmation of possession .

3. At the outset, learned counsel for the State raises preliminary objection to the effect that petitioner has got alternative statutory remedy 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. 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. Grievance of the petitioner falls under Section 15 of the Bihar Land Disputes Resolution Act, 2009. Petitioner has



statutory alternative remedy available which he can avail in accordance with law.

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 . This writ petition is accordingly disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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