

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4606 of 2021

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Narayan Ray Son of Late Ramvilash Ray, R/o Village/Muhallah - Dahiyawan
Dargah, Post - Chapra, P.S. - Chapra Town, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
 2. The Commissioner, Saran Division, Chapra.
 3. The Collector-cum-District Magistrate, Saran at Chapra.
 4. The Superintendent of Police, Saran at Chapra.
 5. The Deputy Collector Land Reforms, Chapra Sadar, Chapra.
 6. The Circle Officer, Chapra Sadar, Chapra.
 7. The Station House Officer, Chapra Town P.S. Chapra.
- Respondents 1st Set.
8. Parshuram Ray, S/o of Chhathilal Ray. Resident of Village- Nawazi Tola, Diliya Rahimppur, P.S. Revilganj, District - Saran at Chapra.
 9. Batar Ray, S/o Garaj Ray, Resident of Village- Nawazi Tola, Diliya Rahimppur, P.S. Revilganj, District - Saran at Chapra.
 10. Baleshwar Ray, S/o Jadu Ray, Resident of Village- Nawazi Tola, Diliya Rahimppur, P.S. Revilganj, District - Saran at Chapra.
 11. Kashi Ray, S/o Late Ganga Rai, Resident of Village- Nawazi Tola, Diliya Rahimppur, P.S. Revilganj, District - Saran at Chapra.
 12. Teja Rai, S/o Daroga Rai, Resident of Village- Nawazi Tola, Diliya Rahimppur, P.S. Revilganj, District - Saran at Chapra.

... .. Respondents 2nd Set.

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Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Adv.
For the State	:	Mr. Raj Kishore Roy, GP-18.
For the Res. No.8 to 12	:	Mr. Dhananjay Kumar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the private

respondents.

2. Learned counsel for the petitioner submits that

petitioner seeks implementation of the order dated 12.12.2018



passed by Deputy Collector Land Reforms, Chapra in BLDR Case No.10 of 2018-19 as the measurement of his land was made in the light of The Bihar Tenancy (Amendment) Act, 2017 which he wants to be implemented.

3. Learned counsel for the private respondents submits that the petitioner has no case as the said land under dispute is in the possession of private respondents by virtue of sale deeds and they are constructing their house on the said land.

4. Learned counsel for the State submits that if the petitioner has any grievances relating to execution of the order passed by the authority under Bihar Land Disputes Resolution Act, 2009 (Bihar Act 4 of 2010) then there is a special forum under the Bihar Land Disputes Resolution Act, 2009 (Bihar Act 4 of 2010) itself i.e. under Section 15 of the Bihar Land Disputes Resolution Act, 2009 (Bihar Act 4 of 2010). He further submits that if the contention of private respondents are correct that they have constructed house on the said land, then in that case the measurement or demarcation shall not be sufficient and in that case the only remedy available is before a competent civil court to test the title.

5. In this view of the matter, the present writ petition is **disposed off** with liberty to the petitioner that he shall raise



his grievances under Section 15 before the authority under Bihar Land Disputes Resolution Act, 2009 (Bihar Act 4 of 2010).

6. It is directed to the authorities under the Bihar Land Disputes Resolution Act, 2009 (Bihar Act 4 of 2010) that at the time of execution, if they found that house of private respondents are under construction on the said land, then in that case they are directed to restrain themselves and refer the matter to decide before competent civil court.

(Dr. Anshuman, J.)

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