

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5602 of 2016

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1. Nathuni Ram S/o Katwaru Ram null
 2. Vishwanath Ram S/o Sanichar Ram Both are residents of Village - Jurawarpur, P.S. - Dehri, District - Rohtas Sasaram.
 3. Manohar Ram S/o Kewal Ram
 4. Chaturi Ram S/o Baldev Ram Both are residents of village - Barahi, P.S. - Dehri, District - Rohtas Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, District - Rohtas at Sasaram.
4. The Deputy Collector Land Reforms, District - Rohtas at Sasaram.
5. The Sub-Divisional Magistrate, Sasaram, District - Rohtas.
6. The Circle Officer, Dehri, District - Rohtas at Sasaram.
7. The Registrar of Companies, Bihar Cum Official Liquidator, High Court, Patna.
8. M/S Rohtas Industries, Dehri-On-Sone, Dalmia Nagar, P.S. - Dehri, District - Rohtas through its Official Liquidator
9. M/S JVL Agro Industries Ltd. Jhjhunwala Bhawan, Natmali, District - Varanasi, Uttar Pradesh.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Tiwary
For the Respondent/s : Mr. Ajay- Ga12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2023

Heard learned counsel for the parties.

2. This writ application has been filed for issuance of direction to respondent authorities to quash Memorandum of handing over possession to JVL AGRO Industries Ltd. (Respondent No. 9) *vide* Letter No.- OL-72/sale/150 dated 23.07.2012 and not to dispossess or disturb the peaceful



possession of the petitioners from the land in question as petitioners are parcha holders of the land under provisions of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

3. Learned counsel for the State raises preliminary objection to the effect that petitioners have got statutory alternative remedy by way of filing application before the L.R.D.C. in terms of Section 4(1)(a) of The Bihar Land Disputes Resolution Act, 2009 which reads as:

“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:-*

(a) Unauthorised and unlawful dispossession of any settlee or allottee from any land or part thereof, settled with or allotted to him ¹[Or under any Act or policy of the State or Central Government providing for settlement of Government land to the persons of any specified category.] under any Act contained in Schedule-1 to this Act by issuance of any settlement document/parcha by a Competent Authority;”

4. Learned counsel for the petitioners does not dispute the above proposition. However, he requests for disposal of the writ petition granting liberty to the petitioners to seek remedy before the appropriate forum as may be available to them in



accordance with law.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law within a period of six weeks from today.

7. In the event petitioners seek remedy before the appropriate forum within the stipulated time period, the authority concerned shall dispose of the same after hearing the parties in accordance with law, preferably, within a period of six months from the date of filing of such application.

8. 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.

9. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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