

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5276 of 2016

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Sahdeo Prasad Yadav Son of Late Singeshwar Yadav, Resident of village and
P.S. Gawalpara, District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The C.O. Gawalpara, Madhepura
3. The S.D.O., Udakishunganj, District- Madhepura
4. The District Magistrate, Madhepura
5. Ashok Yadav Satsanji S/o Shivnandan Yadav, Resident of village and P.S.-
Gawalpara, Distt. Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Respondent/s : Mr. D.K. Sinha- Aag2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-12-2023 Heard learned counsel for the parties.

2. This writ petition has been filed for the issuance of directions to respondent authorities to measure and demarcate the land in dispute, which the petitioner claims to have been purchased by way of a registered sale deed.

3. At the outset, learned counsel for the State raises preliminary objection and submits that grievance of the petitioner regarding boundary dispute falls under Section 4(1) (h) 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:-

(h) Boundary disputes;"

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 relates to boundary dispute which falls under Section 4(1)(h) 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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