

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13800 of 2023

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Mala Mishra W/o Kumod Kumar Mishra, R/o Village near Uzna Mahadev
Mandir, Maithil tola Koratbari, P.S- Purnia, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector Purnia.
2. The Collector, Purnia, District Purnia.
3. The Additional Collector, Purnia, District Purnia.
4. The Circle Officer, Purnia, District Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-12-2023 Heard learned counsel for the parties.

2. This writ petition has been filed for compliance of the order dated 20.04.2015 passed by The Deputy Collector of Land Reforms, Purnea in Case No. 02/13-14 by which order/direction was issued to the Circle Officer Purnea to open Jamabandi in the name of petitioner.

3. At the outset, learned counsel for the State appears and 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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