

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9670 of 2013

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Divesh Kumar Bhagat S/O Raj Kishor Bhagat At Present Resident of Mohalla- Society Plot No. 92/A, Ashiana Nagar, Phase No. 1, P.S- Rajiv Nagar, in the town and district- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
3. Smt. Mala Devi W/O Sri Srikant Mandal Resident of Mohalla- Society Plot No. 93/A, Ashiana Nagar, Phase No. 1, P.S- Rajiv Nagar In The Town And District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Swati Mishra, Advocate Mr.Yogendra Mishra (Sr.Adv.)
For the Respondent/s	:	Mr.Manish Kumar GP4 Mr.Sanjay Parasmani, AC to GP 4 Mr.Rajib Ranjan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 05-10-2023 Heard learned counsel for the petitioner, State and private respondent i.e. respondent no. 3.

2. This writ application has been filed for quashing the entire proceeding of Land Dispute Case No. 95 of 2012-13 as well as the order dated 09.03.2013 passed by the respondent no. 2 in Land Dispute Case No. 95 of 2012-13 (Annexure – 5).

3. During pendency of the writ application, an interlocutory application i.e. I.A. No. 2171 of 2014 was filed on behalf of petitioner, making certain amendment in the writ application and as such, this interlocutory application shall be treated as part of the writ application.



4. It is submitted by learned counsel for the petitioner that respondent no. 2 has passed order dated 09.03.2013 in Land Dispute Case No. 95 / 2012-13 without application of proper mind. He passed the aforesaid order without providing reasonable opportunity of hearing to the petitioner.

5. However, learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioner by way of filing appeal before the Commissioner, Patna.

6. Learned counsel for the petitioner does not dispute the above proposition.

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

8. The writ application is disposed with an observation that the petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.

9. 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.

(Prabhat Kumar Singh, J)

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