

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8747 of 2016

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Hari Narain Prasad Shahi @ Hari Narain Pd. Shahi Son of Late
Sidheshwar Prasad Shahi, Resident of Village- Dhokarahan, P.O. and
P.S.- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, West Champaran.
3. The D.C.L.R., Bagaha, District- West Champaran.
4. The Circle Officer, Ramnagar, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin
For the Respondent/s : Mrs. Binita Singh, SC 28

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2024 Heard learned counsel for the parties.

2. This writ application has been filed for
following reliefs:

*(1) For issuance of a writ in the nature
of certiorari for quashing of the order dated
14.05.2015 passed by learned D.C.L.R.
Bagaha in Land Dispute Redressal Case
No. 78/2014-15 (Hari Narain Prasad Shahi
Vs. Shamsher Alam & others) whereby and
whereunder he has dismissed the case filed*



on behalf of the petitioner which is arbitrary, malafide and colourable exercise of the power.

(ii) For issuance of a writ in the nature of mandamus commanding the private respondents not to disturb/ enter the peaceful possession of the land of the petitioner mentioned in Schedule-1 of this petition.

3. At the outset, learned counsel for the State raises preliminary objection to the effect that petitioner has got alternative statutory remedy under Section 14 of The Bihar Land Disputes Resolution Act, 2009 which reads as:

14. Appeal before the Commissioner. - (1) Any party aggrieved by the order passed by the Competent Authority may file an appeal before the Commissioner within whose jurisdiction the order has been passed, within a period of thirty days from the date of the order.



Provided that the Commissioner may receive and dispose off the appeal beyond the period of thirty days by extending it by another thirty days if he is satisfied that there was sufficient cause for not filing the appeal within thirty days.

(2) On receipt of appeal, the Commissioner shall immediately cause notice to be issued to the contesting parties allowing 15 days time for appearance and submit reply to the appeal, if any.

(3) The Commissioner shall thereafter proceed to hear the appeal and may pass such order allowing, modifying, reversing or affirming the order passed by the Competent Authority as he may deem fit in accordance with law.

(4) The order passed by the Commissioner shall be final and no



*further appeal or revision shall lie
before any other authority.*

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 14 of the Bihar Land Disputes Resolution Act, 2009. Petitioner has statutory alternative remedy available which he can avail in accordance with law.

6. 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 .

7. This writ petition is accordingly disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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