

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14078 of 2016

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Akhilesh Kumar Singh Son of Late Mathura, Singh, Resident of Hospital Road, Mitra Chowk Mohalla Ganj No.2, Ward NO. 14, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Bettiah.
4. The D.C.L.R. Bettiah.
5. The S.D.M. Bettiah.
6. The Circle Officer, Bettiah Circle, Bettiah.
7. Sri Awadhesh Prasad, Son of Hiralal Prasad, Resident of Mohalla Ganj No.2, Hospital Road, Mitra Chowk, Ward No.2 Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam- Aag12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-02-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the following reliefs:

(I) For issuance of direction in the nature of Mandamus for commanding the respondent authorities to implement the order passed by the learned Divisional Commissioner, Tirhut Division, Muzaffarpur in B.LD.R. Appeal Case No. 97 of 2015 dated 01.02.2016 by which affirmed the order dated 26.12.2014 passed in Case No.



156/12-13 by the learned Deputy Collector Land Reforms, Bettiah, by which learned D.C.L.R. has given specific direction to the C.O. Bettiah that after paimais of land pertaining to Khata No. 1026 Khesra No. 5049/1 measuring land 6 Dhurs closed the door cum window of opposite party if found the land 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. 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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