

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7857 of 2023

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Jitendra Kumar Das S/o Shiv Mangal Das, R/o Vishanpur Gausi, Basdeopur,
P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Sachivalaya, Bihar, Patna.
2. Additional Chief Secretary, Revenue and Land Reforms Govt. of Bihar, Bihar, Patna.
3. The District Magistrate, Vaishali (Hajipur)
4. Second Appellate Authority-cum-District Officer, Lok Shikayat Niwaran Pradhikar, Vaishali (Hajipur)
5. Deputy Collector, Land Reforms, Mahnar, Vaishali.
6. The Superintendent of Police, Vaishali
7. Circle Officer, Vaishali
8. Naga Das S/o Late Dukha Das, R/o Village Bishanpur Gausi, Post-Vasudevpur Chandel, P.s.- Mahnar, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-01-2024 Heard learned counsel for the parties.

2. At the outset, learned counsel for the petitioner prays for compliance of order dated 07.11.2013 passed by the Deputy Collector, Land Reforms, Mahnar, Vaishali (Respondent No. 5) in Misc. Case No. 79 of 2013 (Annexure-3) whereby respondent No. 3 allowed the case of the grandmother of the petitioner and directed the Circle Officer to provide the possession of the disputed land to the grandmother of the



present petitioner.

3. Learned counsel for the State submits that petitioner has got grievance with respect to implementation of the order passed by Respondent No. 5 and raises preliminary objection to the effect that an alternative remedy is available to the petitioner 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. In view of the aforesaid facts and circumstances, petitioner is directed to file fresh application before the competent authority in accordance with law within a period of six weeks from today.

5. In the event such application is filed by the petitioner within the stipulated time period, the authority concerned shall dispose of the same in accordance with law after hearing the parties.

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. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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