

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.313 of 2022
In
Civil Writ Jurisdiction Case No.1170 of 2022

Anandi Devi Wife of Sri Sitaram Choudhary Resident of Village Sukna,
P.S. Saraiya, District Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Sub Divisional Magistrate, East, Muzaffarpur.
6. The Deputy Collector, Land Reforms, Muzaffarpur.
7. The Circle Officer, Musahari, Muzaffarpur.
8. The Station House Officer of Muzaffarpur Sadar Police Station, District Muzaffarpur.
9. Nand Lal Rai Son of Late Mulchand Rai Resident of Village Majhaulia Khetal, P.S. Sadar, District Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Md. Khurshid Alam (AAG12)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-07-2024 The writ petition was filed seeking demarcation of a
land by appointment of a Block Amin and interdicting the



respondents from interfering with the peaceful possession of the land, all of which according to us should be agitated before a Civil Court in a properly instituted suit.

2. The Learned Single Judge who heard the matter also expressed such an opinion and found the writ petition to be frivolous. Liberty was also left for the writ petitioner to approach the appropriate forum. We are in perfect agreement with the order of the learned Single Judge.

3. It is pointed out from the writ petition that the petitioner has already filed an application before the authority under the Bihar Land Dispute Resolution Act, 2009.

4. Learned counsel for the petitioner also submits that the Circle Officer has been notified as the competent authority under the Act; however no notification is produced.

5. Annexure-9 is said to be the application filed before the Circle Officer under the Act which does not even show the name of the respondent. In such circumstances, the petitioner's claim that the land dispute should be resolved cannot be entertained as the ninth respondent who is impleaded here, as the contestant has not been impleaded in the application filed. The petitioner would be entitled to seek the remedy under the Act after impleading the respondent, who is said to be



interfering with the peaceful enjoyment of the subject property.

6. The appeal stands dismissed with the above liberty.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Harsh/-

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