

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2100 of 2021

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Yogendra Singh son of Late Bishundhari Singh resident of Village
Sampatchak, P.O. Bairiya, P.S. Gopalpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Principal Secretary Land Reform, Government of Bihar, Old Secretariat Building, Patna.
3. The Collector-cum- District Magistrate, Patna.
4. The Additional Collector, Patna.
5. The D.C.L.R., Sampatchak, Patna.
6. The Circle Officer, Sampatchak, Patna.
7. Pawan Yadav son of Late Kapil Deo Prasad resident of Village Sampatchak, P.O. Bairiya, P.S. Gopalpur, District Patna.
8. Bantu Kumar son of Late Kapil Deo Prasad resident of Village Sampatchak, P.O. Bairiya, P.S. Gopalpur, District Patna.
9. Mantu Kumar son of Late Kapil Deo Prasad resident of Village Sampatchak, P.O. Bairiya, P.S. Gopalpur, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Jai Vardhan Narayan, Advocate
For the State : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-01-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed seeking a direction upon the respondent-Authorities to measure and demarcate the land of the petitioner appertaining to Mauza-Gopalpur, Thana No. 124, Khata No. 248 and 253, Khesra No. 1477 and 1479, Total Area- 11 Decimal.

3. At the outset, learned counsel appearing on behalf



of the State raises preliminary objection and submits that grievance of the petitioner relates to boundary dispute which falls under Section 4(1)(h) of The Bihar Land Disputes Resolution Act, 2009, which reads as follows:

“4. Jurisdiction and authority to resolve disputes. - (1)

The Competent Authority shall have jurisdiction and authority to hear and adjudicate, on an application or complaint or on any application referred to by a Prescribed Authority or officer, any issue arising out of following types of disputes:-

...

(h) Boundary disputes;”

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 relates to boundary dispute which falls under Section 4(1)(h) of the Bihar Land Disputes Resolution Act, 2009. Petitioner has statutory alternative remedy available which he can avail in accordance with law.

6. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.



7. 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.

8. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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