

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10857 of 2024

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Rita Devi W/o Amindra Safi Village- Bardepur, P.O.- Kalikapur, P.S.-
Kaluahi, Kalikapur, District- Madhubani, Bihar-847228

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The District Magistrate, Madhubani
3. The Sub-Divisional Officer, Madhubani
4. The Anchal Adhikari, Kaluahi Anchal, District. Madhubani.
5. The Circle Inspector, Kaluahi Anchal Office Madhubani
6. The Halka Karmchari, Anchal Officer, Kaluahi, District- Madhubani
7. Geeta Devi W/o Lalit Safi Village- Bardepur, P.O.- Kalikapur, P.S.- Kaluahi, Kalikapur, District- Madhubani, Bihar-847228

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Vishambhar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-07-2024

Heard the learned Advocate for the petitioner and the
learned Advocate for the State.

2. The petitioner by invoking the jurisdiction of this
Court under Article 226 of the Constitution of India seeking a
direction upon the respondent authorities to remove the
encroachment over the land, in question, appertaining to Old
Khata No. 927, New Khata No. 2171, Old Khesra No. 1654 and
New Khesra No. 761. The petitioner further prayed to ensure the
execution of the order passed by the learned DCLR, Madhubani
in favour of the petitioner.

3. Learned Advocate for the petitioner, at the outset,



contended that for identical relief to remove the encroachment over the land, in question, the petitioner had approached before this Court in CWJC No. 4549 of 2023. This Court vide order dated 09.08.2023 has disposed of the writ petition with a direction the petitioner to move before the DCLR, Madhubani under the provisions of the Bihar Land Disputes Resolution Act, 2009 within four weeks from the date of the order and further directed the DCLR, Madhubani to pass order upon hearing all the concerned parties.

4. Adverting to the aforesaid facts, learned Advocate for the petitioner further contended that pursuant to the order of this Court, the petitioner approached before the DCLR, Madhubani. The respondent DCLR, Madhubani after considering the claim of the petitioner vide order dated 18.03.2024 directed the respondent no. 7 to remove the encroachment and hand over the possession of the land to the petitioner. Despite the aforementioned order passed by the learned DCLR, Madhubani the petitioner has neither handed over the possession nor the encroachment has been removed. In the aforesaid premise, the petitioner approached before the Circle Officer, Kaluahi to execute the order of the DCLR, Madhubani, but to no effect, thus the present writ petition.

5. On the other hand, learned Advocate for the State



submitted that the jurisdiction of this Court cannot be invoked for the purposes of execution of the order of DCLR. The petitioner has remedy before the DCLR itself, or the District Magistrate to get the order executed.

6. Considering the rival contention of the parties, this Court is of the opinion that the petitioner has remedy before the DCLR to get the order executed, who has passed the order for removal of the encroachment vide Annexure-2 to the writ petition, under Section 15 of the Bihar Land Dispute Redressal Act, 2009.

7. Needless to observe that if the petitioner files an application before the DCLR, Madhubani within a period of two weeks, he shall look into the matter and take appropriate action, preferably within a period of six weeks from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2024.
Transmission Date	NA

