

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10910 of 2024

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Hira Prasad S/O Late Gharbharn Kumhar R/o village- Sohrai, PO- Tali, PS- Guthani, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Reforms Department Govt of Bihar Patna
2. The District Magistrate, Siwan
3. The Deputy collector, land reforms (DCLR) Siwan
4. The circle officer, Anchal Mairwa, Siwan
5. The SHO, Mairwa, Siwan
6. Omkar Tiwari s/o late Umesh Tiwari R/o village - langarpura, PS- Mairwa, District - Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akshay Lal Pandit, Adv. Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mr. Sita Ram Yadav, GP16 Mr. Rakesh Kumar Srivastava, AC to GP16

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 25-07-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed for following relief:-

“1(i) For issuance of a writ in the nature of a writ of mandamus commanding the respondent authorities especially respondent no 4 and 5 as not acting upon and complying order dated 11.03.2022 passed in LDR case no 4 / 2021-22 by the respondent no 3 even after lapse of more than 2 years causing irreparable damage and mental harassment to the petitioner in spite of



the fact that the petitioner has purchased area 6 dhurs in Khesra no 153 in khata no 71 in thana no 111 in mauza langarpura PS Mairwa District Siwan by way of sale deed no 3585 dated 29.03.2019 registered in Registry Office Siwan Sadar.”

3. The brief fact of this case is that the petitioner had purchased 6 Dhurs of land in Khata No. 71 in Thana No. 111 in Mauza Langarpura P.S. Mairwa, Dist. Siwan by way of sale deed no. 3585 dated 29.03.2019. Thereafter, the petitioner got his name entered into the Anchal record Mairwa.

4. Learned counsel for the petitioner submits that thereafter, the respondent no.6 started creating nuisance to extort money and started creating hindrance in possession and, as such, the petitioner filed LDR Case No. 4/2021-22 in the Court of D.C.L.R., Siwan Sadar. The aforesaid LDR Case No. 4/2021-22 was allowed in favour of the petitioner, directing the respondent nos. 4 & 5 for measurement of the land, in question, and to restrain the respondent no.6 from creating hindrance in possession of the petitioner. Thereafter, the Anchal Amin Mairwa (Siwan) measured the alleged land and clearly demarcated the land of the petitioner and pillar was also erected as per demarcation.

5. Learned counsel for the petitioner further submits



that when the petitioner started constructing small boundary over the land, in question, the private respondent started to disturb and objected the same.

6. Learned counsel for the petitioner submits that the petitioner has also filed a representation dated 01.07.2023 before the respondent nos. 4 & 5 for compliance of the aforesaid order dated 11.03.2022 passed in LDR Case No. 4/2021-22 but, no action on their part has been taken till date and prays for issuance of direction to the respondent nos. 4 & 5 to ensure peaceful possession of the land, in question, in compliance of the order dated 11.03.2022.

7. Learned counsel for the State has not filed counter affidavit in the matter but submits that as per Section 2(a) of the Bihar Land Disputes Resolution Act, 2009, the competent authority for execution of the order is the Deputy Collector Land Reforms or any officer assigned to discharge the functions and duties of the Deputy Collector Land Reforms in the Sub-division. He further submits that Section 15 of the 2009 Act deals with the execution of the order passed by the competent authority. Sections 15 of the 2009 Act reads as follows;

“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.

8. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case, the writ petition is disposed of with a direction that if the petitioner files a fresh application for compliance of the aforesaid order dated 11.03.2022 passed in LDR Case No. 4/2021-22 before the competent authority i.e. the Deputy Collector Land Reforms, Siwan / Respondent No.3, within a period of two weeks from today, the same shall be disposed off by him in accordance with law within a period of six weeks, thereafter.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2024
Transmission Date	

