

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11134 of 2023

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1. Shafiullah Khan @ Safeeullah Khan S/o Md. Amin Khan, Resident of Rampur Buzurg, P.S.-Bankata, Dist-Deoriya (Uttar Pradesh). At present address R/v-Sudamachak, P.S.-Vijayipur, Dist-Gopalganj.
 2. Mainuddin Khan, S/o Ramjan Khan, Resident of Rampur Buzurg, P.S.-Bankata, Dist-Deoriya (Uttar Pradesh). At present address R/v-Sudamachak, P.S.-Vijayipur, Dist-Gopalganj.
 3. Asma Khatoon, D/o Late Hatim Khan, Resident of Rampur Buzurg, P.S.-Bankata, Dist-Deoriya (Uttar Pradesh). At present address R/v-Sudamachak, P.S.-Vijayipur, Dist-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gopalganj.
3. The D.C.L.R. Hathua, Gopalganj.
4. The Circle Officer, Vijaypur, Gopalganj.
5. Firoz Khan, S/o Jahir Khan
6. Najma Khatoon, W/o Jahir Khan, both residents of Village-resident of Rampur Buzurg, P.s.-Bankata, Dist-Deoriya (Uttar Pradesh). At present address-R/v Sudamachak, P.S. Vijayipur, Dist-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for compliance of order dated 17.02.2022 passed by the Deputy Collector, Land Reforms, Hathua, Gopalganj (Respondent No. 3) in Land Dispute Case No. 10/2021-22.

3. Learned counsel for the State submits that



petitioners have got grievance with respect to implementation of the order passed by Respondent No. 3 and raises preliminary objection to the effect that an alternative remedy is available to the petitioners 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, petitioners are 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 petitioners within the stipulated time period, the authority concerned shall dispose of the same in accordance with law after hearing the parties, preferably, within a period of six months from the date of filing of such application.

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 petitioners were 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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