

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13510 of 2024

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1. Prasad Manjhi S/o- Late Shiv Ratan Bhuiyan, Resident of Village and P.O.- Bakraur, P.S.- Bodhgaya, District- Gaya.
 2. Ramji Manjhi S/o- Prasad Manjhi, Resident of Village and P.O.- Bakraur, P.S.- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Deputy Collector, Land Reforms, Sadar, Gaya.
5. The Circle Officer, Bodhgaya.
6. Mahanth, Bodhgaya Math, Bodhgaya.
7. Mahanth, Bakraur Math, Bakraur, Bodhgaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AAG-4

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-09-2024 Heard Mr. Sanjay Kumar, learned Advocate for the

petitioners and Mr. Sanjay Kumar, learned Advocate for the

State.

2. The petitioners are aggrieved by the order dated 30.06.2023 passed by learned DCLR, Sadar, Gaya in Land Dispute Case No. 117/2022-23, whereby the application filed by the petitioners for fixation of rent for the land, the particulars of which are mentioned in paragraph 1(i) of the writ petition, has been rejected and directed them to file appropriate application



before civil court for disposal of the grievance. Petitioners also sought a direction from the respondent to create a Jamabandi in the name of the petitioners for the land situated in Mauza-Bakraur, Thana No.- 358, Circle- Bodhgaya, Khata No. 188 (old)/404(new), Khesra No. 1257 (old)/ 1752 (new), Area 1.11 Acre.

3. At the outset, learned Advocate for the State submits that since the petitioners have approached under Section 4 of the Bihar Land Dispute Resolution Act, 2009, wherein, the order impugned came to be passed, which is put to challenge in the writ petition; however, there is a statutory remedy of appeal available under Section 14 of the Bihar Land Disputes Resolution Act, 2009, thus, he ought to prefer an appeal.

4. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that there is already efficacious statutory remedy available to the petitioners, the present writ petition stands disposed off with a liberty to the petitioners to file proper Memo of Appeal before the Divisional Commissioner under Section 14 of the Bihar Land Disputes Resolution Act, 2009.

5. In case, such an appeal is preferred within a period of four weeks along with a limitation petition, the learned



Divisional Commissioner shall consider the application for
condonation of delay sympathetically and further pass necessary
order in accordance with law.

(Harish Kumar, J)

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