

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17131 of 2019

Nalanda Engicon Private Limited Having its registered office at 5, Ashray Rameshwar Apartment, Kankarbagh main road, P.S.- Kankarbagh, District- Patna through its Director Sri Bibeka Nand Kumar, (Male), aged about 42 years, son of late Sachida Nand Prasad, resident of Anand Vila, milan auto lane, P.S. Colony Kankarbagh, Sampatchak, P.S. - Kankarbagh Town, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate Patna.
3. The Circle Officer Patna Sadar, Patna.
4. The Bihar State Housing board Through its Managing Director, Patna.
5. The Managing Director Bihar State Housing board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Shekhar Singh, Adv. Mr. Satyendra Rai, Adv.
For the State	:	Mr. Md. Khurshid Alam (Aag12) Mrs. Nutan Sahay, AC to AAG-12
For the Housing Board	:	Mr. Pawan Kumar, Adv. Ms. Pratibha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

11 09-01-2024 Heard learned counsel for the petitioner and State.

2. This writ application has been filed for following

reliefs:-

(a) For a direction to the respondent Nos. 3, 4 and 5 to ensure measurement of land situated at Bahadurpur, Patna bearing Thana No. 10 Khata No.197, Plot No.503, measuring area 6 Katha (18.75 decimals) for which through letter No.7283 dated 07.12.2017 issued by Circle Officer, Patna Sadar, Patna (Respondent No. 3) in connection with



Measurement Case No. 30/2017-18, request has been made to the Respondent No.5 for measurement.

(b) For restraining the Respondent nos. 4 and 5 to interfere with the peaceful possession of the petitioner over the aforesaid land situated at Bahadurpur bearing Khata No. 197, Thana No. 10, Plot No.503, measuring area 6 Katha (18.75 decimal) and to allow him to construct his boundary wall.

3. At the outset, learned counsel for the State appears and raises preliminary objection to the effect that petitioner has got statutory / alternative remedy by way of filing application before the L.R.D.C. Learned State counsel further submits that grievance of the petitioner relates to boundary dispute, which has been enumerated in 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. However, he requests for disposal of the writ application granting liberty to the petitioner to seek remedy



before the appropriate forum i.e. Land Reforms Deputy Collector, Patna, in accordance with law.

5. If such application is filed before the competent authority / L.R.D.C., Patna, the same shall be disposed of after hearing the parties in accordance with law 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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid observations and directions.

(Prabhat Kumar Singh, J)

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