

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9179 of 2018

=====

Ramdev Sahni S/o Late Gangai Sahni, Resident of village - Kahua, P.S.
Biraul, Dist - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar.
 2. The collector cum District Magistrate, Darbhanga.
 3. The Addl. Collector, Darbhanga.
 4. The sub - Divisional officer, Biraul, Distt - Darbhanga
 5. The Dy. Collector Land Reforms, Biraul, Dist - Darbhanga.
 6. The Circle Officer, Biraul, Distt - Darbhanga.
 7. Ram Sahni
 8. Ram Sevak Sahni both sons of S/O Late Lakhan Sahni
 9. Lal Sahni
 10. Umesh Sahni Both s/o late Banku Sahni
 11. Suresh Sahni, S/o Late Uchit Sahni
 12. Ranjit Sahni, S/o Late Panna Lal Sahni
 13. Ramesh Sahni, S/o Late Fulo Sahni
 14. Kewal Sahni S/o Late Debu Sahni
 15. Mohan Sahni S/o Late Debu Sahni
 16. Kaushal Sahni S/o Late Debu Sahni
- 7 to 16 are R/O village-Kahua, P.S.-Bir and District-Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Respondent/s : Mr. Md.Khurshid Alam -Aag12

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2024 In the instant petition, petitioner has prayed for the
following relief(s):-

(i) For issuance of an appropriate
writ, order or direction, directing the respondents
authorities to make measurement and demarcation
and remove encroachment and deliver possession to



the petitioner over the land of plot no. 2020 appertaining to Khata No. 122 having an area of 6.024 acre situated in Mauza Kahua, P.S. Biraul, District Darbhanga, in view of the order dated 11.02.2014 passed by the Ld. DCLR, Biraul and for which the petitioner alongwith his brothers filed several representation lastly on 26.03.2018 before the respondent no. 2 to 6 but no action has been taken as yet.

(ii) And for any other relief(s) for which the petitioner is found to be entitled in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that by virtue of order dated 11.02.2014 passed by the DCLR, Biraul claim of respondent no. 9 and 10 have not been allowed over the total land in question rather they have been allowed to get only 11.5 dhur of the land in dispute and other portion of land in dispute has not been allowed in favour of the respondent no. 9 and 10, as mentioned in Annexure-4 at page-40 of the writ petition. It has further been submitted that petitioner has represented before respondent no. 2 to 6 for compliance of the order dated 11.02.2014 passed by DCLR, Biraul but same has not been complied as yet and petitioner has approached this court for implementation of the order dated 11.02.2014 passed by DCLR, Biraul. Learned counsel for the petitioner further



submits that thrust of the petition is to implement the order of the DCLR, Biraul which has not been complied as yet.

3. The very purpose of Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as "Act, 2009") is to decide the nature of disputes connected with the Record of Rights, partition of jamabandi, forcible dispossession of allottees/ raiyats, boundary disputes etc. In Section 2(a) of Act, 2009 it has been defined that competent authority shall be Deputy Collector Land Reforms or any officer assigned to discharge the functions and duties of Deputy Collector Land Reforms in the Sub-division. Section 5 of Act, 2009 describes Competent Authority to have powers of Civil Court. Section 9 of Act, 2009 gives focus as to how expeditious resolution of disputes can be made by the competent authority. Section 12 of Act, 2009 describes the power of Collector to exercise superintendence, supervision and control over the Competent Authority.

4. Section 15 of Act, 2009 reads as under:-

"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 authorize any other officer or employee to execute the same.

5. In the present case, the counsel of the petitioner has given sole thrust of his argument for non-compliance of order passed by competent authority. In this way, Section 15 of Act, 2009 has not been complied.

6. On the point of non compliance of order passed by the DCLR, co-ordinate Bench of this court vide judgment dated 02.02.2015 passed in CWJC No. 1288 of 2015 held that order passed by the DCLR has not been appealed against and as such, order has become final and directed the petitioner to file an appropriate application before the Competent Authority i.e. Deputy Collector, Land Reforms invoking jurisdiction under Section 15 of the Act.

7. The petitioner has moved this court without availing the remedy before the appropriate forum. Accordingly, the present writ petition is premature and same stands disposed of as not maintainable.

8. Disposal of the present writ petition would not be hurdle for the petitioner to approach the appropriate forum for execution of the order passed by the competent authority, if order of the competent authority has attained finality. If petitioner approaches the concerned authority, the concerned



authority is directed to hear the grievances of the petitioner and
pass appropriate order as per statutory provision for which the
Act, 2009 has been made.

(Alok Kumar Pandey, J)

amitkumar/-
shahzad

U			
---	--	--	--

