

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14306 of 2023

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Sharwan Kumar, Son of Late Shivshankar Sahni @ Shivshankar Chaudhary,
Resident of Village-Ramnagar, Police Station-Harsidhi, District-East
Champaran at Motihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Land and Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Land and Reforms, Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari
4. The Sub Divisional Public Grievance Redressal Officer, Areraj Sub Division, District-East Champaran at Motihari.
5. The land Reforms Deputy Collector, Areraj Sub Division, District-East Champaran at Motihari.
6. The Circle Officer, Harsidhi Circle Officer, Areraj Sub Division, District-East Champaran at Motihari.
7. Naga Mahto Son of Late Mahdev Mahto Resident of Village-Ramnagar, Post Office-Gaya Ghat, Police Station-Harsidhi, District-East Champaran at Motihari.
8. Bachcha Lal Mahto Son of Naga Mahto Resident of Village-Ramnagar, Post Office-Gaya Ghat, Police Station-Harsidhi, District-East Champaran at Motihari.
9. Achche Lal Mahto Son of Naga Mahto Resident of Village-Ramnagar, Post Office-Gaya Ghat, Police Station-Harsidhi, District-East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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| 2 | 06-02-2024 | 1. Heard learned counsels for the parties. |
| | | 2. This writ application has been filed for compliance of order dated 28.06.2013 passed by the learned Land Reforms Deputy Collector, Areraj Sub-Division, |



District-East Champaran at Motihari (Respondent No. 5) in Land Dispute Resolution Case No. 21 of 2012-13 whereby he directed the Circle Officer, Harsidhi Circle Office, Areraj Sub-Division, District-East Champaran at Motihari (Respondent No. 6) to vacate the encroachment made by the private Respondent Nos. 7 to 9.

3. Learned counsel for the State submits that petitioner has got grievance with respect to implementation of the order passed by Respondent No. 5 and raises preliminary objection to the effect that an alternative remedy is available to the petitioner 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. There is no justification coming forth as to why this writ application should be maintained despite having statutory alternative remedy under Section 15 of the Bihar Land Disputes Resolution Act, 2009.

5. In the above view of the matter, this court is not inclined to interfere in the matter in its extra ordinary writ



jurisdiction.

6. In view of the aforesaid facts and circumstances, petitioner is directed to file fresh application before the competent authority in accordance with law within a period of six weeks from today.

7. In the event such application is filed by the petitioner within the stipulated time period, the authority concerned shall dispose of the same in accordance with law after hearing the parties.

8. 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.

9. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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