

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14485 of 2023

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Gajendra Paswan, Son of Late Tulsi Hazra, Resident of Village and Post-Badharwa Sivan, P.S.-Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. Collector, East Champaran, Motihari.
4. The Additional District Magistrate, East Champaran, Motihari
5. The Sub Divisional Magistrate, Sikarhana, East Champaran
6. The Deputy Collector Land Reforms, Sikarhana, Dhaka
7. The Circle Officer, Dhaka
8. Langtu Mukhiya Son of Ganesh Mukhiya Resident of Village and Post-Badharwa Sivan, P.S.-Dhaka, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-01-2024

1. Heard learned counsels for the parties.

2. At the outset, learned counsel for the petitioner prays for compliance of order dated 22.05.2003 passed by the learned Deputy Collector Land Reforms, Sikarhana, Dhaka, East Champaran (Respondent No. 6) whereby he directed the Circle Officer to provide the possession of the disputed land to the father of the present petitioner.

3. Learned counsel for the State submits that petitioner has got grievance with respect to implementation of the order passed by Respondent No. 6 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. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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