

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13694 of 2023**

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Aruna Jaiswal Wife of Nagendra Prasad Jaiswal R/o ward no. 35, Shanti Nagar Ujjain Tola, P.O Bettiah, P.S. Bettiah, District West Champaran (Bettiah), Bihar- 845438.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Collector, West Champaran (Bettiah).
3. The Land Reforms Deputy Collector, Narkatiyaganj.
4. The Anchal Adhikari, Gaunaha, Narkatiyaganj (Bettiah), West Champaran.
5. The Officer In-charge, Matiyariya Police Station.
6. Jaybhadra Pandey, S/o Late Ravindra Pandey, R/o Village- Belwara, P.O- Taulaha, P.S. Ramnagar, District- West Champaran Bettiah, Bihar.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Divyam Verma, adv           |
| For the Respondent/s | : | Mr. Sajid Salim Khan ( Sc 25 )  |
| For respondent No. 6 | : | Mr. Dayanand Choubey, Advocate  |
|                      |   | Mr. Nagedeo Choubey, Advocate   |
|                      |   | Mr. DhananJay Kashyap, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      05-02-2024                      Heard learned counsel for the parties.

2. This writ petition has been filed for the following reliefs:

*(i) For setting aside the order dated 18.08.2023 passed by the Land Reforms Deputy Collector, Narkatiyaganj in B.L.D.R Case No. 211/2022- 23 Jaybhadra Pandey Versus Mokhtar Rai & Ors. whereby and where under the learned Land Reforms Deputy Collector, Narkatiyaganj allowed an*



*application filed under section 4 (1) (d) of the Bihar Land Disputes Resolution Act, 2009 and illegally directed the Anchal Adhikari, Gaunaha and the Officer In-charge, Matiyariya to provide protection to respondent No. 6 from threatened dispossession .*

*(ii) For stay of the operation of the impugned order dated: 18.08.2023 during the pendency of the present writ application.*

3. At the outset, learned counsel for the State appears and raises preliminary objection to the effect that petitioner has got alternative statutory remedy under Section 14 of The Bihar Land Disputes Resolution Act, 2009 which reads as:

***14. Appeal before the Commissioner. - (1)***  
***Any party aggrieved by the order passed by the Competent Authority may file an appeal before the Commissioner within whose jurisdiction the order has been passed, within a period of thirty days from the date of the order.***  
***Provided that the Commissioner may receive and dispose off the appeal beyond the period of thirty days by extending it by another thirty days if he is satisfied that there was sufficient cause for not filing the appeal within thirty days.***



***(2) On receipt of appeal, the Commissioner shall immediately cause notice to be issued to the contesting parties allowing 15 days time for appearance and submit reply to the appeal, if any.***

***(3) The Commissioner shall thereafter proceed to hear the appeal and may pass such order allowing, modifying, reversing or affirming the order passed by the Competent Authority as he may deem fit in accordance with law.***

***(4) The order passed by the Commissioner shall be final and no further appeal or revision shall lie before any other authority.***

4. Learned counsel for the petitioner does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. Grievance of the petitioner falls under Section 14 of the Bihar Land Disputes Resolution Act, 2009. Petitioner has statutory alternative remedy available which he can avail in accordance with law.

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. This writ petition is accordingly disposed of with the aforesaid observations.

**(Prabhat Kumar Singh, J)**

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