

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13282 of 2023**

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Ajay Kumar Jha, Son of Bindeshwar Jha, Resident of Village- Bhanaspatti,  
Ward No. 9, P.S.- Runnisaidpur, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reform Department, Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Deputy Collector Land Reform, Sitamarhi.
4. The Sub-Divisional Officer, Sitamarhi.
5. The Circle Officer, Runnisaidpur, Sitamarhi.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner | : | Mr. Subodh 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**

2      06-02-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed for the

following reliefs:-

“(i) For issuance of writ in the appropriate nature commanding and directing the Respondent authorities to get demarcate the land of the petitioner and allow him to erect boundary wall.

(ii) For further direction to the Respondent authorities to continue with the Measurement case No. 171/2022-23 which has been closed vide an order dated 26.07.2023 without final demarcation only taking signature of some of the persons of the villager and on the basis of one alleged forged Panchnama the Circle Amin and Circle Officer are directing to live the right from the purchased land measuring an area 31 decimal and has wrongly demarcated only 13 decimal instead of 31 decimal.

(iii) For further direction to the Respondent authorities to



fix a date informing the petitioner and erect a pillar making demarcation of the purchased land according to the boundary of the Sale Deed.

(iv) And for any other relief/reliefs for which the petitioner is found to be in the eye of law.”

3. At the outset, learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioner under Rule 23 (3) of the Tenancy Rules under the B.T. Act, which reads as:

*“(3) **Appeal.**--(1) Any person aggrieved by the measurement of land by the Amin as per order of the Anchal Adhikari, may file an appeal against the measurement of land by the Anchal Amin/measurement report of Anchal Amin in the court of Deputy Collector Land Reforms within 30 working days from the date of measurement of the land or submission of measurement report by the Anchal Amin which will be disposed of after hearing concerned parties within 30 working days by the Land Reforms, Deputy Collector. In cases, where appeal is not filed within 30 working day, the appellant will enclose delay condonation petition mentioning reasons of delay with the petition. If the Deputy Collector Land Reforms is satisfied that there are sufficient reasons for the delay, he may condone the delay in filing appeal. If Deputy Land Reforms is satisfied after hearing concerned parties that re-measurement is required, then he will declare Amin's report as null and void and order for re-measurement of land in such cases jointly by more than one Amin. If Deputy Collector, Land Reforms orders for re-measurement, then the appellant will have to deposit fixed Amin fee in the Nazarat of Deputy Collector, Land Reforms within 7 working days from the date of passing order by the Deputy Collector Land Reforms and in such cases land will be re-measured by joint team of Amins within 30 working days from the date of deposit of Amin fee. If Deputy Collector, Land Reforms is not*



*satisfied with the measurement report submitted by the joint team of Amins, then he will order for re-measurement of such land by another joint team of Amins.*

*(ii) If an appeal against the Amin's measurement report is filed, the Land Reforms Deputy Collector shall call for the case record from the Circle Officer. After hearing concerned parties, the Land Reforms Deputy Collector will pass his order within 30 working*

*(iii) It will be mandatory to affix non-judicial stamp of Rs. 50 on every Memorandum of”*

4. There is no justification coming forth as to why this writ application should be maintained despite having statutory alternative remedy under Rule 23 (3) of the Tenancy Rules under the B.T. Act.

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, preferably within a period of six months from the date of filing of the representation.



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)**

shashank/-

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