

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13792 of 2024

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Guru Charan Ray, S/o Ramtahal Ray, Village- Dumri, Post- Dumri, P.S
Mohanpur, Dist- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Collector-cum- District Magistrate, Samastipur.
4. The D.C.L.R., Patori, Samastipur.
5. The Circle Officer, Mohanpur, District- Samastipur.
6. Vikash Ranjan @ Chaman Singh, S/o- Late Chittranjan Prasad Singh,
Village- Dumri, Post- Dumri, P.S.- Mohanpur, Dist- Samastipur.
7. Balram Roy, Son of - Late Mohan Ray, Village Baghra, Post- Dumri, P.S
Mohanpur (Patori), District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajeet Ojha, Advocate Mr. Vivek Kumar Sinha
For the Respondent/s	:	Mr. Akash Raj, AC to GA- 5

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 11-09-2024

Learned Advocate for the petitioner seeks
permission to make necessary correction in para. 1 of the writ
petition, during the course of the day.

2. Permission is accorded.

3. Heard Mr. Ajeet Ojha, learned Advocate for the
petitioner and Mr. Akash Raj, learned Advocate for the State.



4. The petitioner is aggrieved by the order dated 10.08.2024, passed by the learned Deputy Collector, Land Reforms, Patori, Samastipur, (hereinafter referred to as 'the DCLR') whereby it has been held that the petitioner has illegally occupied the land, in question, by making thatched house and cattle shed. The learned DCLR also directed the Circle Officer, Mohanpur to take necessary action to ensure that the possession of the land, in question, be handed over to the applicant, who is private respondent herein.

5. Learned Advocate for the petitioner while assailing the impugned order contended that the order impugned virtually decided the title and interest of the parties over the land, in question, and, as such, the same is wholly without jurisdiction. It is further contended that directing the officials to remove the petitioner from the land, in question, without there being filing of any execution case and giving liberty to him to assail the order before the appellate forum is not sustainable, as the petitioner has statutory remedy of appeal before the learned Divisional Commissioner under Section 14 of the Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as 'the Act, 2009'). It has also been contended that after getting embolden by the order of the learned DCLR, as noted hereinabove, the opposite party has also filed Jamabandi



Cancellation Case No. 142/2024-25.

6. At this juncture, learned Advocate for the State submits that since the petitioner has efficacious alternative remedy of statutory appeal before the learned Divisional Commissioner, as provided under Section 14 of the Act, 2009, the petitioner ought to prefer an appeal.

7. Considering the nature of the grievance and the averments made in the writ petition and also taking note of the fact that the petitioner has efficacious alternative remedy of an appeal where he can raise all his grievances. Suffice it to observe that the issue of facts must be conclusively decided before the statutory appellate forum before invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

8. In that view of the matter, the writ petition stands disposed off with a liberty to the petitioner to prefer an appeal before the learned Divisional Commissioner under Section 14 of the Act, 2009 against the order dated 10.08.2024 within a period of two weeks from today.

9. If such an appeal is preferred by the petitioner before the learned Divisional Commissioner within the stipulated period, the concerned officer shall not precipitate the matter giving effect to the order dated 10.08.2024, which is



impugned in the writ petition, till the disposal of the appeal.

10. The petitioner is also at liberty to raise all his submissions in Jamabandi Cancellation Case No. 142/2024-25, wherein the notices have been served upon the petitioner and others.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024
Transmission Date	NA

