

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14344 of 2023

Niraj Kumar, Son of Late Chander Shekhar Yadav, Resident of village and P.O.-Lagar (Char Ghariya) P.S.-Parbatta, District-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Deputy Collector Land Reform, Gogri, Khagaria.
4. Circle Officer, Parbatta, District-Khagaria.
5. Officer-in-Charge, Parbatta, Police Station, District-Khagaria.
6. Raveen Paswan Son of Late Chander Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.
7. Khokha Paswa Son of Mahinder Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.
8. Arun Paswan Son of Late Wakeel Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.
9. Shambhu Paswan Son of Late Wakeel Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.
10. Bhikhari Paswan Son of Kuldeep Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.
11. Naiee Paswan Son of Kuldeep Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.
12. Tappo Paswan Son of Kuldeep Paswan Resident of village- and P.O.-Lagar, P.S.-Parbatta, District-Khagaria.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed for compliance of order dated 11.06.2022 passed by the learned Deputy Collector Land Reforms, Gogri, Khagaria (Respondent No. 3) in



B.L.D.R. Case No. 19 of 2021-22 whereby he directed the Circle Officer, Parbatta, Khagaria (Respondent No. 4) to demarcate the land of parcha holders (Respondent Nos. 6 to 12) and further to give possession to the petitioner of his land appertaining to Khata No. 52, Khesra No. 888, Area- 5 katha, situated at Mauza- Timapur, Thana No. 379/2, Tauzi No. 525.

3. Learned counsel for the State submits that petitioner has got grievance with respect to implementation of the order passed by Respondent No. 3 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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