

Md. Yusuf Son of Shekh Mauhar @ Mohar, Resident of Village- Pipramore,
P.O. and P.S.- Dhoraiya, District- Banka.

Versus

1. The State of Bihar through the District Magistrate, Banka.
2. The Deputy Collector Land Reforms, Banka.
3. The Circle Officer, Dhoraiya, Banka.
4. Md. Irphan, Son of Late Shekh Madhu, Resident of Village- Pipramore, P.O. and P.S.- Dhoraiya, District- Banka.
5. Shekh Jalil, S/o Late Shekh Sadhu, Resident of Village- Pipramore, P.O. and P.S.- Dhoraiya, District- Banka.

... .. Respondent/s

For the Petitioner/s : Mr.Dhananjay Pandey
For the Respondent/s : Mr.Government Pleader (11)

2 02-02-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the issuance of a writ in the nature of mandamus to the respondents for compliance to the order dated 20.06.2023 passed in Land Dispute Case No. 98/22-23 .

3. At the outset, learned counsel for the State raises preliminary objection to the effect that petitioner has got alternative statutory remedy 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. 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 15 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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