

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16326 of 2018

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Gulabi Devi wife of Akshay Lal Pal, resident of Village and P.O.- Kaab,
Police Station- Rani Talab, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, District- Patna.
2. The Deputy Collector Land Reform, Paliganj, District- Patna.
3. The Superintendent of Police, District- Patna.
4. The Sub- Divisional Officer cum Sub- Divisional Magistrate, Paliganj, District- Patna.
5. The Sub Divisional Police Officer, Paliganj, District- Patna.
6. The Circle Officer, Dulhin Bazar, District- Patna.
7. The Officer in Charge, Police Station Rani Talab, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
order passed by the Deputy Collector Land Reforms (hereinafter
referred to as ‘DCLR’) has not been executed in its true spirit.

3. Learned counsel for the State opposes the prayer
and submits that the order of the DCLR is executable under the
Bihar Land Disputes Resolution Act, 2009 [Bihar Act 04 of
2010] (hereinafter referred to as the ‘BLDR Act’).



4. Upon hearing the parties and perusing the documents on record, this Court finds it appropriate to quote Section 15 of the BLDR Act, which states as follows:

15. Execution of the order passed by the Competent Authority. — [(1)] 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.

³[(2) In case of unauthorized and unlawful dispossession of any settlee/allottee under any Act contained in the schedule-1 of the Act or of any owner of raiyati land, the Competent Authority shall execute his order passed under this Act by deputing a Revenue Officer under his jurisdiction and directing the Officer-In-charge of the concerned police station to depute a police officer with adequate police force.

(3) In case there is sufficient apprehension that the settlee/allottee of any land under any Act contained in schedule-1 of the Act or owner of any raiyati land may be dispossessed of his land, the Competent Authority may pass an appropriate order



and shall execute his order by requesting the concerned Sub-Divisional Magistrate/ Executive Magistrate/Officer-in-Charge of the concerned police station to take preventive actions under the relevant sections of Criminal Procedure Code.

(4) In case of partition of land holding, the Competent Authority shall execute his order passed under this Act by getting the land measured and demarcated by Amin as per his order under prior intimation in prescribed form about the date and time of measurement and demarcation to co-sharers and by getting the Takhtabandi (apportionment of the specific shares of the co-sharers) of the co-sharers prepared. The Competent Authority shall invite objections from co-sharers against the Takhtabandi and upon hearing of the objections shall finalise the Takhtabandi and shall deliver possession of land to co-sharers in accordance with their Takhta (specific share). In case, it is not possible to measure or demarcate the land or to deliver the possession without the use of force then he shall depute a Revenue Officer under his jurisdiction and direct the Officer-In-charge of the concerned police station to depute a police officer with adequate police force and get his order executed.



(5) In case of declaration of right of a person with respect to any land, the Competent Authority shall execute his order passed under this Act by directing the revenue authorities concerned to make necessary amendment in revenue records concerned including inter alia the continuous record of rights, tenants ledger register and khesra register reflecting the right of the person as per his order.

(6) In case of boundary dispute, the Competent Authority may execute his order passed under this Act, by getting the boundaries of the concerned plot or a part thereof measured and demarcated by Amin, as per his order, with prior intimation in prescribed form to all land holders having common boundaries, by way of notice indicating date and time of measurement and demarcation, but in case it is not possible without the use of force then he shall depute a Revenue Officer under his jurisdiction and direct the Officer-In-charge of the concerned police station to depute a police officer with adequate police force and get his order executed.

(7) (a) In case of unauthorized structure, the Competent Authority shall execute his order passed under this Act by directing the person responsible for such



unauthorized structure through a notice in prescribed form to remove such structure within 30 days of the receipt of the order.

(b) In case the person against whom a notice is made under Clause-(a) fails to remove the structure after the lapse of the 30 days period of notice, the Competent Authority shall issue a second notice in prescribed form directing him to remove such a structure within 15 days of the receipt of the notice failing which the structure shall be impounded or the structure shall be removed at his cost.

(c) In case the structure is not removed after the lapse of 15 days period of the notice under the Clause-(b), the Competent Authority shall impound the structure or remove it as he deems fit but in case of removal, the cost of the removal shall be realized from the person against whom the notice has been issued under the provisions of the Bihar and Orissa Public Demands Recovery Act, 1914.]

5. From the above-mentioned section, it transpires to this Court that the power of execution of the order lies with the competent authority, which is already vested under the BLDR Act itself.



6. Accordingly, the present writ petition stands disposed off, with a direction to the petitioner to avail the remedy under the statute mentioned above.

(Dr. Anshuman, J.)

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