

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3597 of 2016

- 1.1. Abhishek Sonkar, Son of Late Suresh Khatik, Resident of Mohalla Alamganj, Police Station - Sasaram, District- Rohtas.
- 1.2. Satyendra Sonkar, Son of Late Suresh Khatik, Resident of Mohalla Alamganj, Police Station - Sasaram, District- Rohtas.
2. Sudarshan Khatik,
3. Indal Khatik, Petitioner Nos. 1 to 3 are sons of Late Shobha Kahtik, Resident of Mohalla - Alamganj, P.S. - Sasaram, District - Rohtas.
4. Jitendra Khatik
5. Ravindra Khatik,
6. Yogendra Khatok, Petitioner Nos. 4 to 6 are sons of Late Ram Ashish Khatik, Resident of Alamganj, P.S. - Sasaram, District - Rohtas.
7. Dharmendra Kahtik, Son of Late Jagdish Kathik, Resident of Alamganj, P.S. - Sasaram, District - Rohtas.
8. Sharda Devi, Wife of Rajesh Prasad Sah, Resident of Amari Barhia Bag, P.S. - Sasaram, District - Rohtas.
9. Tunni Devi, Wife of Birendra Prasad Keshri, Resident of Alamganj Sagar, P.S. - Sasaram, District - Rohtas.
10. Ramawati Devi, Wife of Late Shankar Kewat, Resident of Amari Barhia Bag, P.S. - Sasaram, District - Rohtas.
11. Ram KumarKoal, Son of Late Jagdeo Koal, Resident of Amari Barhia Bag, P.S. - Sasaram, District - Rohtas.
12. Shyam Lal Koal, Son of Late Nanjhu Ram, Resident of Amari Barhia Bag, P.S. - Sasaram, District - Rohtas.
13. Chandrika Koal, Son of Late Muyia Devi & Late Jagdish Khatik, Resident of Amari , P.S. - Sasaram, District - Rohtas.
14. Munna Ram, Son of Ram Kumar, Resident of Barhia Bag, P.S. - Sasaram, District - Rohtas.
15. Chhatra Patiya Devi, Wife of SheoPasi, Resident of Amari Tola, Barhia Bag, P.S. - Sasaram, District - Rohtas.
16. Sonagiya Devi, Wife of Late Teju Ram, Resident of Barhiya Bag, P.S. - Sasaram, District - Rohtas.
17. Rita Devi, Wife of Birendra Chaudhary, Resident of Dayal Bigha, Karwandiya, P.S. - Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate - cum - Collector, Rohtas at Sasaram.
3. Deputy Collector, Land Reforms, Sasaram, District - Rohtas.
4. Anchal Adhikari, Sasaram, District - Rohtas.
5. Dalai Nonia, Son of Chanwa @ Chana Nonia, Resident of Village - Thekahi, Balirampur, P.S. - Nokha, District - Rohtas.
6. Jai Ram Vishwas Karma, Son of Ram bacchan Sharma,
7. Rinku Ansari,



8. Daroga Ansari, Both are sons of Late Md. Nizamuddin Ansari,
9. Dilwas Ansari,
10. Mansoor Ansari,
11. Md. Ali Ahmad Ali, All are sons of Ramjan Ali, Respondent nos. 6 to 11 are Residents of village P.O. - Amari, P.S. - Sasaram, District - Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Advocate
	:	Mrs. Sripriya Sinha, Advocate
For the State	:	None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-07-2025 Heard Mr. Jitendra Prasad Singh, learned Senior

Counsel for the petitioner and there is no representation on behalf

of the State.

2. The present petition has been preferred for the grant
of following relief(s):

*“for issuance of a writ in the nature of certiorari
quashing the order dated 27.05.2013 passed by
the Deputy Collector, Land Reforms, Sasaram in
Land Dispute Case No. 176 of 2012-2013 by
which he has allowed the prayer of respondent 2nd
set for grant of injunction as well as cancellation
of Jamabandi running in the name of petitioners
in exercise of power of Competent Authority
under the Bihar Land Dispute Resolution Act,
2009 and/or to grant any other relief/reliefs for
which the petitioners are legally entitled in the*



facts and circumstances of the case.

3. On 13.08.2024 as also on 24.09.2024, the coordinate Bench directed the State to file counter affidavit.

4. The office notes record that no counter affidavit has been filed. Probably to escape from the cost that may have imposed by this Court, the State chose to absent itself.

5. Learned Senior Counsel has taken this Court to the section 4 of the Bihar Land Dispute Resolution Act, 2009 (henceforth for short 'the Act') to submit that though the DCLR, Sasaram has right to pass to an order, he exceeded his jurisdiction by giving direction to the Police Station to see to it that the other party have trouble free fruits on the land. Though he concede that in terms of section 14 of 'the Act', he had the option of approaching the Commissioner by filing an appropriate appeal. However, since the DCLR has exceeded his jurisdiction, the petitioners directly moved before this Court.

6. In the opinion of the Court, when the forum is available, the petitioner should have approached the appellate authority, here the Divisional Commissioner who is the competent authority to take note of these facts and pass an appropriate order.

7. Learned Senior Counsel submits that since the petitioners were not made parties in the said case, the delay



occurred.

8. Considering the aforesaid facts/submissions as also the fact that the matter was pending before this Court, the writ petition stands disposed of with and observation that if the petitioners approaches the appellate authority, the Divisional Commissioner, Patna Division, Patna in next four weeks for the redressal of their grievance/challenging the order dated 27.05.2013 passed by the DCLR, Sasaram in Land Dispute Case No. 176 of 2012-13 (Dalai Nonia vs. Suresh Khatik), the limitation petition should be considered positively as the matter was pending before this Court and a reasoned order be passed after hearing all the necessary parties after putting them on notice.

9. Since the case is of the year 2013, this Court expects that the matter will be taken to its logical conclusion at an earliest preferably within a period of six months from the date, the appeal is preferred before the appropriate authority.

10. The writ petition as also the Interlocutory Application stands disposed of.

(Rajiv Roy, J)

vinayak/-

U			
---	--	--	--

