IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.280 of 2025
In
Civil Writ Jurisdiction Case No.2242 of 2025

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Saroj Kumar Rakshit @ Nanu Da @ Saroj Rakshit @ Nanu Baba Son of Late Yogeshchand Rakshit, Resident of Village Kali Mandir Road, Kali Mandir, Ward No. 23, Kali Bazar, P.S. - Araria, District- Araria (Bihar).

... ... Appellant/s

Versus

1. The State of Bihar through Additional Chief Secretary, Land and Revenue Department, Govt. of Bihar, Old Secretariat, Patna, Bihar.
2. The Divisional Commissioner, Purnea.
3. The D.C.L.R., Araria.
4. The C.O., Araria.
5. Madan Kumar Das Son of Late Pancham Das, Resident of Madhubani Bazar, P.S. - K. Hat, District- Purnea, Bihar.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar, Advocate
		Mr. Praveer Kumar Thakur, Advocate
For the State	:	Mr. Md. Khurshid Alam, AAG-12
		Mr. Arun Bhagat, AC to AAG-12
For the Respondent No.5:		Mr. Raju Giri, Sr. Advocate
		Mr. Harsh Vardhan, Advocate
		Mr. Harsh Raj, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-01-2026

Heard learned counsel for the parties.

2. This Intra-Court Appeal has been filed challenging the order dated 20.02.2025 of the learned Single Judge passed in CWJC No. 2242 of 2025.

3. The writ petition was filed by the

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petitioner/appellant with the following reliefs:-

> *"(i) For issuance of a writ in the nature of writ of certiorari to set aside/quash the order dated 30.11.2024 passed in Land Dispute Appeal Case No. 78/2023 by the respondent No. 2 whereby and whereunder the learned Divisional Commissioner has set aside the order of the Ld. D.C.L.R., Araria dated-31.03.2023 passed in B.L.D.R. Case No. 07/22-23 and has further directed the D.C.L.R. to earmark/carve out the Land that are being used for Mahavir Mandir and Kali Mandir in terms of an affidavit No. 1501/2024 filed by respondent No.5 and the rest of the land has been directed to be handed over to the respondent No. 5 which is most arbitrary, illegal and in gross violation of settled law that right, title and possession is not in the ambit of a revenue court but the same has to be decided by a competent court of civil jurisdiction as contained in annexure-P/6 of this writ application.*
>
> *(ii). For issuance of a writ in the nature of writ of mandamus commanding the respondents not to disturb in any manner the peaceful possession of the petitioner over the temple land.*
>
> *(iii). For issuance of any other writ/writs, order/orders, direction/directions to grant relief/reliefs to which the petitioner may be found entitled to in the fact and circumstances of the case."*

4. The learned Single Judge has, in the operative part of the order, observed that in view of Section 9(x) of the Bihar

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Land Tribunal Act 2009, since the petitioner has got an alternative remedy, he can approach the learned Tribunal within a period of four weeks.

5. Learned counsel for the appellant submits that there is no dispute that the matter can be agitated before the learned Tribunal and the learned Tribunal has got power also to interfere with the same. However, he submits that since there is palpable illegality in the order dated 30.11.2024 passed by the Respondent No. 2 in Land Dispute Appeal Case No. 78/2023, this Court can interfere with the same by exercising its writ jurisdiction.

6. Section 9(x) of the Bihar Land Tribunal Act, 2009 reads as under:

> *"9. Powers of the Tribunal.-(1) The Tribunal shall have the power to entertain any application against the final order passed by the Appropriate Authorities under the Acts/Manuals, mentioned below, within 90 days of such an order provided no other forum of appeal or revision against the order passed is provided in that Act/Manuals:*
> *(i) xx xx xx*
> *(ii) xx xx xx*
> *(x) Bihar Land Disputes Resolution Act, 2009.*

7. In view of the settled position of law that when the alternative efficacious remedy is available, the Writ Court

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should not entertain the writ petition and in view of specific provision available, we find no illegality in the impugned order. Therefore, in view of the limited scope of this Letters Patent Appeal, we are not inclined to entertain the same. Accordingly, the Appeal stands dismissed.

8. At this stage, learned counsel for the appellant submits that till date, no application has been filed before the learned Tribunal as per the order dated 20.02.2025 passed by the learned Single Judge.

9. If the appellant is so advised, he can approach the learned Tribunal and if any limitation application is filed for condoning the delay, the same shall be considered by the learned Tribunal in accordance with law, taking into account that the appellant has not only approached the Writ Court but also filed this letter patent appeal.

(Sangam Kumar Sahoo, CJ)

(Sudhir Singh, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

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