

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7441 of 2013

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1. Basant Prasad Singh, S/O Late Sita Mahto
2. Arjun Prasad Singh, S/O Late Sita Mahto
Both R/O Village- Satakpur, P.O.- Barhok, P.S.- Bind, District- Nalanda,
Residing At Present- Chaudhary Colony, Nai Sarai, Bihar Sharif, Distt.-
Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar through Deputy Collector Land Reforms, Bihar Sharif,
Nalanda
2. The Circle Officer, Bind, District- Nalanda
3. The Karmchari, Bind, District- Nalanda
4. The District Magistrate, Nalanda At Bihar Sharif
5. Laxmi Devi, W/O Ishwar Prasad
6. Awadhesh Prasad, S/O Late Sita Mahto
Both R/O Village- Satakpur, P.O.- Barhok, P.S. Bind, District- Nalanda, At
Present Residing Chaudhary Colony, Naisarai, Bihar Sharif, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamala Prasad Roy, Adv.
Mr. Satya Ranjan Sinha, Adv.
Mrs. Seema Kumari, Adv.
For the Respondent nos. 1 to 4 : Mr. Sanjeet Kumar Tiwari, AC to AAG-12
For the Respondent nos. 5 & 6 : Mr. Arun Kumar
Mr. Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-11-2015 Heard the parties.

The petitioners are aggrieved by the order dated 06.11.2012 (Annexure-4) passed in Land Dispute Case No.52 of 2012-13 by the respondent D.C.L.R., Bihar Sharif, whereby a petition filed on behalf of the respondent nos.5 and 6 under Section 4 of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been allowed with certain directions. The petitioners are also aggrieved by the appellate order dated 20.02.2014/24.02.2014 passed in Land Dispute Appeal No.597 of 2012 by the respondent Divisional Commissioner, Patna, whereby

the aforesaid appeal filed on behalf of the petitioners has been dismissed.

It appears that, without waiting the decision of the appellate authority, the petitioners filed the present writ petition on 08.04.2013 assailing the validity and correctness of the order dated 06.11.2012 (Annexure-4), and when the appellate authority dismissed their appeal by an order dated 20.02.2014/24.02.2014 (Annexure-5), they approached the learned Bihar Land Tribunal, Patna in B.L.T. Case No.440 of 2014 for appropriate relief. According to the learned counsel for the petitioners the aforesaid case before the learned Bihar Land Tribunal, Patna was permitted to be withdrawn by an order dated 07.01.2015 (Annexure-6) on the ground of pendency of the present writ petition.

Per contra, the learned counsel appearing on behalf of the private respondent nos.5 and 6 submits that there is no such finding in the order passed by the learned Bihar Land Tribunal, Patna, but he has not been able to dispute that the learned Bihar Land Tribunal, Patna has not decided the matter on merits.

In the considered opinion of this Court, against the orders passed by the competent authority as also the appellate authority under the provisions of the Act, 2009, the petitioners are required to get the matter decided conclusively by the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of the Act, 2009.

In the facts and circumstances of the present case, the present writ petition is disposed of with a liberty to the petitioners to approach the learned Bihar Land Tribunal, Patna once again against the impugned original order, as contained in Annexure-4, passed by the competent authority as also the impugned appellate

order, as contained in Annexure-5, passed by the Divisional Commissioner, Patna for redressal of their valid grievances.

If an appropriate petition is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the learned Bihar Land Tribunal, Patna shall be obliged to consider and decide the case of the petitioners afresh on merits by a reasoned and speaking order, without being prejudiced/influenced by the order dated 07.01.2015 passed in B.L.T. Case No.440 of 2014 (Annexure-6).

It is clarified that, before passing any final order, the learned Bihar Land Tribunal, Patna shall give reasonable opportunity of hearing to all concerned including the private respondent nos.5 and 6.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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