

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.292 of 2014

IN

Civil Writ Jurisdiction Case No. 3808 of 2014

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Md. Nazir Hussain, son of Late Mohammad Yasin, resident of village-Benipatti,
P.S.-Benipatti, District-Madhubani. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
 2. The Divisional Commissioner, Darbhanga.
 3. The District Magistrate-cum-Collector, Madhubani.
 4. The Sub-divisional Officer, Benipatti, Madhubani.
 5. The Sub-divisional Police Officer, Benipatti, Madhubani.
 6. The Deputy Collector, Land Reforms, Benipatti, Madhubani.
 7. The Circle Officer, Benipatti, Madhubani.
 8. Md. Zamil Ansari, son of Late Md. Tahir Ansari, resident of village-Benipatti,
P.S.-Benipatti, District-Madhubani. Respondents.
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Appearance :

For the Petitioner : M/s Raj Kumar, Ratanakar Jha
& Mritunjay Kumar, Advocates.

For the State : Mr. Pramod Kumar Sinha, AC to AAG-2.

For the Respondent No.8 : Mr. S.N. Yadav with Saroj Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 12-03-2015

This civil review application has been filed for
review of order dated 18.11.2013 passed by this Court in
C.W.J.C. No.13697 of 2013, which order was passed on the
writ petition filed by one Md. Zamil Ansari who is respondent

no.8 in this review application. Respondent no.8 has appeared and filed his appearance.

Heard learned counsel for the petitioner, State and respondent no.8. Petitioner and respondent no.8 appeared to be co-sharers. There being some dispute with regard to immovable property. Respondent no.8 filed an application before the Deputy Collector, Land Reforms (hereinafter in short D.C.L.R.) Benipatti, Madhubani for partitioning and demarcation of his lands under the provisions of the Bihar Land Dispute Resolution Act, 2009. The D.C.L.R. passed order and directed the Circle Officer, Benipatti to demarcate the lands. Petitioner was a party in those proceedings. For some reasons, the Circle Officer did not carry out the order of the D.C.L.R. Thereafter, respondent no.8 approached the Divisional Commissioner under the aforesaid Act who again issued directions to the Circle Officer to implement the order of the D.C.L.R. The Circle Officer did not give effect of the order. This brought the respondent no.8 to this Court in C.W.J.C. No.13697 of 2013, which was primarily filed for implementation of the order of the D.C.L.R. This Court, accordingly, directed the Divisional Commissioner to take appropriate action against the Circle Officer and then issued a

mandamus to the Circle Officer to obey the order of the D.C.L.R. and act upon it by the aforesaid order dated 18.11.2013.

It may be noted here that though this petitioner and respondent no.8 were parties to the proceedings before the D.C.L.R, this petitioner did not challenge that order under the said statute and filed Title Suit No.138 of 2013 before the Sub-Judge-I, Madhubani. The petitioner prayed for issuance of an order of injunction in the aforesaid title suit but the learned Sub-Judge-I passed an order of status quo. This petitioner then filed a writ petition in this Court, being C.W.J.C. No.3808 of 2014, which was disposed of by order dated 14.08.2014 granting liberty to him either to file an appeal against the order of the D.C.L.R. under the statute or file a review petition before this Court. He has chosen later.

Mr. Raj Kumar, learned counsel for the petitioner, submits that in view of the Division Bench judgment in the case of **Maheshwar Mandal and Anr. Vs. the State of Bihar and others** since reported in **2014 (3) PLJR 281** this Court has held that wherever there is serious dispute the authorities under the Bihar Land Dispute Redressal Act cease to have jurisdiction in the matter and it would be open to a Court of competent

jurisdiction to decide the same. He, accordingly, submits that this Court should recall the earlier order passed in the first writ petition.

Having considered the matter, I am not impressed. In the earlier writ petition, this Court had not adjudicated the matter. It had only issued mandamus for enforcement of an order passed by the statutory authority. However, having heard the parties, in my view, purpose would be served if the parties abide by order of Civil Court in respect of their property dispute. Ultimately, it would be the decision of the competent Civil Court that would bind the parties.

With this observation, this application stands disposed of.

(Navaniti Prasad Singh, J.)

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