

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14883 of 2012

=====

Md.Tabarak Khan Son Of Late Md. Afjal Khan Resident Of Village
Khanpur Milki, P.S Tarapur, District Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Munger Division, Munger
3. Deputy Collector Land Reforms, Tarapur, Munger
4. Kusumlata Devi W/O Late Sahdeo Prasad Sah Resident Of Village/Town
Tarapur, P.S. - Tarapur, District - Munger
5. Pradip Kumar Bhagat Son Of Khagan Prasad Bhagat Resident Of
Sangrampur, P.S. Sangrampur, District Munger
6. Prem Ranjan Prasad Singh Son Of Shyam Nandan Singh Resident Of
Village Ramchua, P.S. Shambhuganj, District - Banka
7. Anuranjan Prasad Singh Son Of Shyam Nandan Singh Resident Of
Village Ramchua, P.S. Shambhuganj, District - Banka

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha

For the Respondent/s : Mr. Sanjay Kr No.1 SC-12

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-12-2015 Heard Mr. S.K. Sinha for the petitioner and the counsel
for the State.

A dispute with respect to the subject land was raised before the Deputy Collector, Land Reforms, Tarapur, Munger by respondent no.5 who is the subsequent purchaser of the subject land from the landowner of the petitioner. The said proceeding was contested by the petitioner claiming that he was inducted as a tenant by the vendor of the applicant/respondent. The issue raised in this writ application should not be entertained. The Deputy

Collector, Land Reforms by a proceeding dated 22.10.2011 (Annexure-1) disposed of the said case restraining the petitioner from disturbing the possession of the private respondent no.5.

Indisputably, the petitioner has assailed the said order of the respondent-Deputy Collector, Land Reforms before the Divisional Commissioner who is the appellate authority under the Bihar Land Disputes Resolution Act, 2009. The order (Annexure-2) shows that the appeal of the petitioner being L.D. Appeal No. 127 of 2011 has been admitted and LCR called for. The private respondent has been issued notice. While the said matter remained pending before the appellate authority the present writ petition has been filed for quashing the order dated 22.10.2011 passed by the Deputy Collector, Land Reforms, Tarapur, Munger in Case No. 11 of 2011-12.

Mr. Sinha strenuously argued that considering the nature of claim raised by the respondent concerned the Deputy Collector, Land Reforms completely erred in entertaining the application and thereafter passing the order. The subject land is not the land which has been claimed to have settled or allotted to the respondent concerned. He has claimed to have purchased the same from the landlord of the petitioner who had already inducted the petitioner as a tenant.

The State respondent on the other hand submits that the appeal which is pending before the Divisional Commissioner being L.D. Appeal No. 127 of 2011 may be directed to be disposed of expeditiously.

The appeal filed by the petitioner is pending before the Divisional Commissioner. The same was admitted and LCR called for. Any issue of fact or law can very well be raised before the said forum/authority for consideration and disposal.

In the circumstances, declining the relief prayed for in this writ application, I direct the respondent Divisional Commissioner (respondent no.2) to dispose of the pending appeal being L.D. Appeal No. 127 of 2011, if not already disposed of, as quickly as possible, preferably within three months from the date of receipt/production of a copy of this order by the petitioner.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--