

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.552 of 2013

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Lakhan Mahto alias Ram Lakhan Mahto, son of Late Baldeo Mahto, R/O
Village -Parna, P.S.-Neema Chandpura, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Begusarai.
4. The Additional Collector, Begusarai.
5. The D.C.L.R., Begusarai.
6. The Circle Officer, Begusarai.
7. Ghuran Rajak, S/o Late Balo Rajak, resident of Village- Chandpura,
P.S.-Neema Chandpura, District-Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Respondent-State : Mr. M. D. Dwivedi, SC-23

For the Private Respondent : Mr. Uday Shankar Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 31-07-2015

Heard Mr. Suraj Narain Yadav, learned counsel
appearing on behalf of the petitioner, learned counsel for the
State and Mr. Uday Shankar Sharan Singh, learned counsel
appearing for the private respondent.

The petitioner in this writ petition has questioned the
order dated 14.7.2012 passed by the Additional Collector,
Begusarai, whereby he has confirmed the claim of the private
respondent no.7 over the land in question which is 5 bighas of
alluvion lands resurfacing from the Gandak river.

It is not in dispute that the attempt by the petitioner
by invoking the forum under the Bihar Land Disputes



Resolution Act, 2009 (hereinafter referred to as 'the Act') giving rise to Land Dispute Redressal Case No.21 of 2011 led to a decision in favour of the private respondent vide order dated 10.8.2011 placed at Annexure-1 and which order of the Deputy Collector, Land Reforms, Begusarai (hereinafter referred to as 'the DCLR') was affirmed by the Divisional Commissioner, Munger vide order dated 20.12.2011 placed at Annexure-2. The petitioner questioned these orders before this Court in CWJC No.11222 of 2012 and a Bench of this Court while declining reliefs to the petitioner preserved liberty that the order so passed by 'the DCLR' as affirmed by the Commissioner would not come in his way in approaching the appropriate authority under the relevant Act/Resolution. It is after the disposal of the writ petition on 3.7.2012 that the Additional Collector, Begusarai in the light of the directives issued by the Commissioner, Munger Division in Appeal No. 69 of 2011 preferred by the petitioner himself proceeded to implement the order and vide order impugned dated 14.7.2012 confirmed the possession in favour of the private respondent no.7 in the light of the settlement made in Settlement Case No.16 of 1970-71. It is being aggrieved by the implementation of the order of 'the DCLR' as affirmed by the Divisional Commissioner, Munger placed at Annexures 1 and 2



respectively by the Additional Collector that the present writ petition has been filed which in my opinion does not give any cause of action to the writ petitioner for the order passed on 14.7.2012 by the Additional Collector is a mere implementation of the orders present at Annexures 1 and 2 which, on being questioned by the petitioner in CWJC No.11222 of 2012, met with no success. A Bench of this Court having declined to grant any relief to the petitioner while disposing of the writ petition vide order present at Annexure-3, the petitioner did not question the order before any superior court rather has tried to reopen the matter while questioning the process of implementation done by the Additional Collector. In other words, the petitioner attempts to reopen a proceeding which stands concluded under the order dated 3.7.2012 passed in CWJC No.11222 of 2012.

The writ petition is accordingly disposed of and since this Court even while declining to grant any relief to the petitioner in the earlier contest had preserved liberty for him, it is for the petitioner to make use of the same.

(Jyoti Saran, J)

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