

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3768 of 2015

=====

Anand Kumar @ Anand Kumar Chaudhary S/o Late Dhannu Chaudhary, Resident of Village - Hakimabad , P.S. - Samastipur Muffasil, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Department of Revenue and Land Reform.
2. The Commissioner of Darbhanga Division, Darbhanga
3. The Collector, Samastipur, District Samastipur.
4. The Deputy Commissioner Land Reform, Samastipur, District Samastipur
5. Nirmala Devi W/O Sri Ramphal Chaudhary
6. Shila Devi @ Mila Devi W/O Sri Prabhu Sahni
7. Tetri Devi W/O Sri Dilip Sahni, All D/o Late Gulab Sahni, Resident of village Hakimabad, P.S. Samastipur Muffasil, District- Samastipur.
8. Balram Sahni S/o Late Ram Pravesh Sahani Resident of village Hakimabad, P.S. Samastipur, District- Samastipur
9. Ramashish Sahani S/o Pancho Sahani, Resident of village Samastipur Muffasil, District- Samastipur.
10. Sharavan Kumar Chaudhary S/o Phakirchand Chaudhary, Resident of village Hakimabad, P.S. Samastipur Muffasil, District - Samastipur.

.... Respondents

=====

Appearance :

For the Petitioner : M/s. Suraj Narayan Yadav and
Bijay Bhushan Prasad, Advocates

For the State : Mr. M.K. Singh, A.C. to S.C.6

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 20-04-2015

I have heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 24th July, 2014 passed by the Bihar Land Tribunal, Patna by which the Tribunal has set aside the order of the Commissioner contained in Annexure-3 on the ground that neither the D.C.L.R. nor the Commissioner of the

Division had any authority to declare right, title and possession of the parties. The Tribunal has disposed of the case granting liberty to the aggrieved party to approach the Civil Court for grant of relief.

It is well settled that the authorities under the Bihar Land Disputes Resolution Act, 2009 are not empowered to declare right, title and possession which is only to be considered and decided by a Civil Court of competent jurisdiction. By the impugned order, the Tribunal has quashed both the orders passed by the D.C.L.R. and the Divisional Commissioner granting liberty to the aggrieved person to approach the Civil Court for redressal of their grievances.

In my considered opinion, nothing could be brought to the notice of this Court warranting interference in the impugned order passed by the Tribunal.

Accordingly, this writ application stands dismissed. However, the parties would be at liberty to move before the Civil Court of competent jurisdiction for redressal of their grievances, if so advised.

(Dr. Ravi Ranjan, J)

N.H./-

U			
---	--	--	--