

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5852 of 2014

1. Shiva Paswan Son of Ravi Paswan
2. Smt. Durga Devi Wife of Late Ramdeo Paswan Both Residents Of Village - Haripur, P.S. - Sindhiha, Dist - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar, Through the District Magistrate, Samastipur
2. The District Magistrate, Samastipur
3. The Land Reforms Deputy Collector, Rosera
4. Anchal Adhikari, Samastipur
5. The Officer-Incharge, Police Station - Sindhiya Dist - Samastipur
6. Gulam Rasul Son of Md. Miya Resident of Village and P.S. - Sindhiya, Dist - Samastipur
7. Mohd. Rustam Son of Mohd. Gulam Rasul
8. Md. Islam Son of Md. Gulam Rasul
9. Md. Akram Son of Md. Gulam Rasul
10. Md. Majul Son of Md. Maharoor
11. Balram Thakur Son of Chandradeo Thakur
12. Jitendra Thakur Son Of Chandradeo Thakur All (7) To (12) Are Residents Of Village - Marpur, P.S. - Sindhiya, Dist - Samastipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. NAND KISHORE PRASAD SINHA
For the Respondent/s : Mrs. BINITA SINGH

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 17-10-2016

Heard the counsel for the petitioners and the State.

A counter affidavit is filed on behalf of respondent nos. 2 to 4.

The petitioners claim themselves as the settlees/allottees of the subject land detailed in paragraph 1 of the writ petition under the Bihar Privileged Persons Homestead Tenancy Act, 1947. As there was a dispute in possession thereof, the petitioners moved the Deputy Collector, Land Reforms invoking his jurisdiction under the Bihar Land Disputes Resolution Act, 2009. Land Dispute Redressal Case No. 77 of 2012 was registered wherein the Deputy Collector,

Land Reforms passed an interim order. As those orders are not being complied with, the present writ application has been filed.

In the counter affidavit, the respondents have enclosed the order dated 01.07.2014 passed in the case by the respondent-DCLR wherefrom it appears that a title suit is pending in respect of the subject land in the court of learned Sub-Judge Rosera. Having appreciated the said fact, the respondent Deputy Collector, Land Reforms has stayed his hands.

On a consideration of the submissions of the parties, this Court does not find any apparent illegality/infirmity in the said order dated 01.07.2014. If the suit is pending in respect of the subject land between the parties, the adjudication made thereat will decide the fate of the parties. The petitioner shall be liberty to place all relevant facts before the said court and seek appropriate relief/remedy.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.10.2016
Transmission Date	