

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15983 of 2014

=====

Khurshida Khatoon wife of Syed Qusier Alam Rizvi, Resident of Bichli Mohalla, Ward No. 22, P.S.- Jehanabad Town, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna
2. The District Magistrate cum Collector, Jehanabad
3. The Sub-Divisional Magistrate, Jehanabad
4. The Deputy Collector Land Reforms, Jehanabad
5. The Circle Officer, Jehanabad, District- Jehanabad
6. Md. Mansoor, Son of Late Aliff Mian
7. Md. Ekbal, Son of Late Md. Ysuf
8. Md. Sarfuddin, Son of Mokim Mian,
9. Son of Late Gaffoor Mian All resident of Mohalla- Bichli Mohalla- Ward No. 22, P.S.- Jehanabad, District- Jehanabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No. 1
Mr. Amaresh Kumar

For the Respondent No.1 to 5 : None.

For the Respondent No. 6 to 9: Mr. Sunil Kumar

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 02-05-2016 Heard the learned counsel appearing on behalf of the petitioner as also the learned counsel appearing on behalf of the respondent no. 6 to 9. However, none appears on behalf of the respondent no. 1 to 5, though the name of the learned State counsel is printed in the daily cause list.

The petitioner is aggrieved by the order dated 24.02.2014 passed in Land Dispute Case No. 63 of 2013-14 by the respondent D.C.L.R., Jehanabad, as contained in Annexure-2 to the writ petition, whereby while exercising his powers under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short Act, 2009), the respondent D.C.L.R., the competent authority, has declared the petitioner as encroacher over the lands in question and it has been held that the lands in question has been

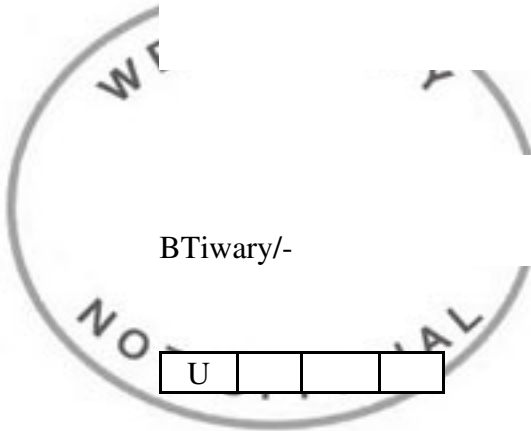
recorded in the survey khatian as “*Anabad Sarbsadharan*” and that is used by the *Imambara* and the common people. According to the finding of the respondent D.C.L.R., this land does not belong to any person, though the petitioner has claimed to have purchased the lands in question through certain sale deeds.

After having heard the learned counsel appearing on behalf of the petitioner as also learned counsel appearing on behalf of the respondent nos. 6 to 9, this Court is of the opinion that the nature of disputes involved with respect to the lands in question, mentioned in the impugned order, cannot be properly and effectively decided under the provisions of the Act, 2009, but it can be effectively decided only by the civil court of competent jurisdiction on the basis of the evidence/ materials produced by the parties.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to approach the civil court of competent jurisdiction for grant of appropriate relief with respect to the lands in question. If such a civil suit is filed on behalf of the petitioner within a period of three months from today with a certified copy of the present order, after impleading all the necessary parties including the private respondent no. 6 to 9, then the same shall be considered and decided on its own merits on the basis of evidence/ materials produced by the parties, but without being prejudiced/ influenced by any finding recorded in the impugned order dated 24.02.2014 passed in Land Dispute Case No. 63 of 2013-14, as contained in Annexure-2 to the writ petition.

It is also clarified that if such a civil suit is brought by the petitioner, then the parties shall be at liberty to raise all the

issue of facts and law, which may be available to them, with respect to the lands in question.



BTiwary/-

U			
---	--	--	--

(Birendra Prasad Verma, J)