

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25030 of 2013

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1. Poonam Devi Wife Of Dinesh Mahto Resident Of Village - Ramnipatti, Tole
Naya Darbar, Police Station - Samastipur Mufassil, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Land Reforms, Bihar, Patna
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Deputy Collector, Land Reforms, Darbhanga
4. Sri Niwas Son Of Late Sridhar Prasad Resident Of Village - Dhurlakh, Police
Station - Samastipur, District - Samastipur
5. Rana Niwas Son Of Late Sridhar Prasad Resident Of Village - Dhurlakh, Police
Station - Samastipur, District - Samastipur
6. Dharmendra Das Son Of Rambriksh Das Resident Of Village - Bhaiyara, Police
Station - Mufassil, District - Samastipur
7. Dinesh Thakur Son Of Brahmdeo Thakur Resident Of Village - Musapur, Police
Station - Mufassil, District - Samastipur
8. Jai Chand Prasad Son Of Late Jagdeshwari Prasad Resident Of Village -
Dhurlakh, Police Station - Samastipur, District - Samastipur
9. Sanjay Kumar Sinha Son Of Sri Jaichand Prasad Resident Of Village - Dhurlakh,
Police Station - Samastipur, District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P.Sinha, Sr. Advocate.
Mr. Rahul Nath, Advocate.
For the State : Ms. Nutan Sharma, AC to GA-9.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 22-07-2016

Heard Mr. Bakshi S.R.P.Sinha, Sr. Advocate, in support
of the writ application.

A dispute relating to the land not covered by any of the
Act provided under Section 3 of the Bihar Land Disputes Resolution
Act was raised before the Respondent Deputy Collector Land



Reforms (for short the DCLR) by the petitioner giving rise to the Land Dispute Resolution case no. 68 of 2010 on the file of the respondent –DCLR. After hearing the parties, the same was allowed by order dated 25.1.2012. Aggrieved thereby the private respondent filed appeal before the Divisional Commissioner vide appeal no. 85 of 2012. The appeal was disposed of on 18.10.2013 (Annexure-5) which is impugned in the present writ petition. .

Mr. Sinha referring to the provisions of the Act and the legal principle enunciated in **2014(3) PLJR 281 (Maheshwar Mandal & Anr. Vs. The state of Bihar and Ors.)** has submitted that for such matter the authorities under the Act would not have any jurisdiction. Referring to the order contained in Annexure-5, it has been submitted that the appellate Court has dealt with the title of the parties and recorded findings which shall prejudice the petitioner in case a suit is filed by the party for declaration of right title and interest over the subject land.

Having considered the submissions, this Court disposes of the writ application observing as under:-

In case any party to the present proceeding chooses to file Title Suit for declaration of his/their right, title, interest and possession over the subject land and/or for any other declaration, the findings relating to title or possession over the land made in the order

of the appellate authority Annexure-5 shall not prejudice the case of the plaintiff.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.07.2016
Transmission Date	