

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17857 of 2014

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Bijay Kumar Chaudhary @ Bijay Chaudhary, S/o Late Madan Lal Chaudhary and Late Jitnee Devi, Resident of Village & P.O. Shahpur Undi, Purani Bazar, P.S. Patori, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Darbhanga.
2. The Divisional Commissioner, Darbhanga.
3. The Deputy Collector Land Reforms, Patori, District Samastipur.
4. The Circle Officer, Patori, District Samastipur.
5. Geeta Devi, W/o Sri Arjun Chaudhary, Resident of Village Shahpur Undi, P.S. Patori, District Samastipur.
6. Ashutosh Kumar @ Ganesh, S/o Late Brijkishore Pd. Mishra, Resident of Village Bahadurpur patori, P.S. Patori, District Samastipur.
7. Shashi Bhushan Prasad Mishra, S/o Late Raj Narain Prasad Mishra, Resident of Village Bahadurpur Patori, P.S. Patori, District Samastipur.
8. Satendra Kumar Rai, S/o Late Bindeshwar Rai, Resident of Village Bahadurpur Patori, P.S. Patori, District Samastipur.
9. Chandeshwar Kuar @ Chandrashekhar Kuar, S/o Late Matukdhari Kuar, Resident of Shahpur Undi Sharaissa, P.S. Patori, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lakmesh Marvind, Adv.
For the Respondent nos.1to4	:	Dr. Anil Kr. Uapdhyay, SC-2 Mr.Naresh Prasad, AC to SC-2
For the Respondent nos.6to9	:	Dr. Anshuman, Adv. Mr.Kuber Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 21-11-2016

Heard.

The petitioner is aggrieved by the order dated 15.09.2014 passed in Land Dispute Resolution Appeal Case No.113 of 2013-14 by the respondent Divisional Commissioner, Darbhanga, as contained in Annexure-6 to the writ petition, whereby the aforesaid appeal filed on behalf of the respondent no.5 under the provisions of The Bihar Land Disputes Resolution Act, 2009 has been dismissed and the order dated 23.01.2013 passed in Land Dispute Resolution Case No.51 of 2012 by the

respondent D.C.L.R., Patori has been affirmed. The petitioner has also prayed for ancillary and consequential reliefs.

The learned counsel appearing on behalf of the petitioner has raised various issues of facts and law with respect to the order impugned as also the lands in question, fully detailed in paragraph 3 of the writ petition. He next submits that, though the petitioner was not a party, still the order impugned has been passed.

The learned State counsel appearing on behalf of the respondent nos.1 to 4 and the learned counsel appearing on behalf of the respondent nos.6 to 9, at the very threshold, have raised the question of maintainability of the present writ petition at this stage. According to them, the claims raised on behalf of the petitioner with respect to the lands in question are based on disputed questions of facts. They further contended that, against the order impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009 (in short 'Act, 2009'). Therefore, according to them, the present writ petition, at this stage, is not maintainable and the same is fit to be dismissed.

After having heard the parties and taking into consideration the factual matrices of the present case, this Court is of the opinion that, against the order impugned, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of the Act, 2009. Apparently, the claims raised on behalf of the parties involves several disputed questions of facts, which cannot be appropriately gone into in the present proceeding filed

under Article 226 of the Constitution of India.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) to him with respect to the lands in question as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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