

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3486 of 2014

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1. Ram Vinay Thakur Son Of Late Ramdeo Thakur Resident Of Village-
Bhusari, P.S.- Chatauna, P.S.- Samastipur Muffasil, District- Samastipur
..... Petitioner/s

Versus

1. The State Of Bihar Through The D.C.L.R., Samastipur
2. The Commissioner, Darbhanga Commissioner, Darbhanga
3. The Chairman, Bihar Land Tribunal, Patna
4. The Deputy Collector Land Reforms, Samastipur
5. Prem Kant Pandey Son Of Late Ram Shrestha Pandey
6. Amaresh Pandey Son Of Prem Kant Pandey
7. Amarendra Pandey Son Of Prem Kant Pandey
8. Vindhyabsni Devi Daughter Of Late Ram Julum Pandey
9. Radha Kant Pandey Son Of Late Ram Julum Pandey (All 5 To 9 Are
Residents Of Village- Bhusari, P.O.- Chhatauna, P.S.- Samastipur Muffasil,
District- Samastipur)

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Gp-20 Nadeem Seraj

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 20-09-2016 As prayed by the petitioner, let appropriate

corrections in the details of respondent no. 5 be carried out in

course of the day.

Heard the Counsel for the petitioner, the State as

well as Mr. Abhay Shankar Singh for private respondent nos. 5, 6

and 7.

The order under challenge is passed by the Bihar

Land Tribunal in B.L.T. Case No. 359 of 2013. The private

respondents, aggrieved by the order of the Divisional

Commissioner, approached the Tribunal challenging the

correctness of the order(s) passed by the Deputy Collector Land Reforms as well as the Divisional Commissioner under the provisions of the Bihar Land Dispute Resolution Act, 2009 (for short 'the Act'). The Tribunal in paragraph 6 of the order has observed as under:-

“Considering the issues involved in this application, I find that the D.C.L.R. Samastipur, as well as Divisional Commissioner, Darbhanga, both have rightly recorded their finding that issues involved in this application, can be decided by a competent Civil Court. This is a matter in which, whosoever, is the aggrieved party will have to approach the competent Civil Court, for deciding their right, title and interest over the land purchased by them, through registered sale deed executed by their vendors. Any finding recorded by D.C.L.R. or Commissioner, on the merit of the sale deed will not be legal and proper unless decided by the Civil Court. I do not find any reason to interfere with the impugned order.”

The petitioner claims himself purchaser of the land from one of the descendents of Ram Julum Pandey whereas the private respondents also claim title and possession over the subject land having been purchased from another co-sharer of the vendor of the writ petitioner.

A dispute of such nature can be resolved by the Court of competent civil jurisdiction. The Tribunal has granted liberty to the aggrieved party to approach the Court for resolution of the dispute.

It is stated by Mr. Kumar that there is concurrent finding that part of the subject land is in possession of the petitioner inasmuch as the revenue records also stand in his name. Counsel for the respondents has, however, disputed the said contention with regard to the actual physical possession over the subject land.

This Court would only observe that any alteration/change in the revenue records respecting the subject land shall abide by the decision of the Court in case a civil litigation is filed by any of the parties herein.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

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