

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5674 of 2014

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1. Md. Nazir Alam, Son Of Late Sk. Basiruddin
2. Md. Jawed Alam, Son Of Late Sk. Basiruddin
3. Nasir Alam, Son Of Late Sk. Basiruddin
All Resident Of Village- Mallikpur, Police Station- Azamnagar, District-
Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Collector, Land Reforms, Barsoi, Katihar
3. The Circle Officer, Azamnagar, District- Katihar
4. Md. Jamshed Alam Son Of Sk. Zahiruddin
5. Md. Anzar Alam Son Of Sk. Zahiruddin
6. Md. Arshad Alam Son Of Sk. Zahiruddin
7. Md. Munazir Alam Son Of Sk. Zahiruddin
All Resident Of Village- Mallikpur (Tola Daulatpur) Police Station-
Azamnagar, District- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah, Adv.
For the Respondent nos.1to3 : Mr. Ranjan Kumar, AC to AAG-IV
For the Respondent nos.4to7 : Mr.Md.Anisur Rahman, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-06-2016 Heard the parties.

The petitioners are aggrieved by the order dated 23.05.2013 passed in Case No.250 of 2012-13 by the respondent D.C.L.R., Barsoi, as contained in Annexure-1 to the writ petition, whereby in exercise of his powers under Section 4 of The Bihar Land Disputes Resolution Act, 2009, the respondent D.C.L.R.-cum-Competent Authority has declared the right and title of the respondent nos.4 to 7 over the lands in question and thereby he has allowed the claim of the private respondent nos.4 to 7.

Though, the matter was argued by the learned counsel appearing on behalf of the parties for sometime, but finally all of them have conceded that the impugned order dated

23.05.2013 (Annexure-1) is in the teeth of the Division Bench judgment of this Court in the case of Maheshwar Mandal Vs. the State of Bihar [2014(3) PLJR 281].

In above view of the matter, the impugned order dated 23.05.2013 passed in Case No.250 of 2012-13 by the respondent D.C.L.R., Barsoi, as contained in Annexure-1 to the writ petition, is hereby set aside and quashed with a liberty to the parties to approach the Civil Court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands in question.

It is clarified that, if any suit is filed by either party with respect to the lands in question, then the same shall be decided on its own merits on the basis of the evidence/materials produced by the parties, but without being prejudiced/influenced by the present order.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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