

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6960 of 2014

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1. Khalique Ahmad S/o Late Haji Tauheed Ahmad Resident of Village + Post- Harihans, P.S.- Hussainganj, District- Siwan

2. Mateen Ahmad S/O Late Haji Tauheed Ahmad Resident of Village + Post- Harihans, P.S.- Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Siwan

2. The District Magistrate, Siwan

3. The Deputy Collector Land Reforms, Siwan

4. Sri Sunil Kumar Lal Das, Circle Officer, Hussainganj, Siwan

5. Md. Mustafa S/O Md. Jan Resident of Village + Post- Harihans, P.S.- Hussainganj, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-10-2016 Heard the counsel for the petitioners and the State.

The application prays for a direction upon the respondents- State to restore his possession over the shop which the petitioner is said to have constructed over a piece of land purchased in 2001. The private respondent also claimed title thereover. A proceeding under Section 144 of Cr.P.C. was filed between them which was decided in favour of the private respondent. Subsequently, the private respondent approached the Deputy Collector Land Reforms (for short “The DCLR”) under Bihar Land Dispute Resolution Act (for short “The Act”). Land dispute Case No. 141

of 2012 was registered. Upon making inquiry and under the order(s) of the DCLR the subject shop was found or given in possession of/to the private respondent. Complaining thereagainst, the petitioners filed an appeal before the Divisional Commissioner which is pending.

Diverse submissions have been made to criticize the order passed by the DCLR and the subsequent actions taken by the Circle Officer. It is submitted that if there is a serious dispute with regard to title, the authority under the Act ought to have stayed hand as held in *2014 (3) PLJR 281*.

On his own showing, the appeal being Appeal No. 69 of 2014 filed by the petitioner calling in question the legality/correctness of the order passed by the DCLR and the subsequent actions taken by the respondents-State is pending consideration. In appeal, all questions of fact and law can be placed/agitated by the petitioners. The forum is created under the Act itself.

Considering thus, this Court is not inclined to delve into the submissions of the counsel for the petitioners and instead would permit him to agitate the grievance before the appellate forum for consideration and disposal in accordance with law.

If the petitioners appear before the appellate

Forum/Authority with the present order and request for early disposal, I am sure, the concerned respondent(s) will expedite disposal of the pending appeal.

(Kishore Kumar Mandal, J)

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