

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1476 of 2014

IN

Civil Writ Jurisdiction Case No. 2201 of 2012

=====

Rameshwar Saha S/o Late Girdhari Prasad @ Tntun Babu Resident of Forbesganj, Ward No. 11, P.O. & P.S. Forbesganj, District- Araria.

.... Appellant

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Purnia.
3. The Collector, Araria.
4. Deputy Collector, Land Reforms, Forbesganj, District - Araria.
5. Brij Mohan Prasad, S/o late Girdhari Prasad, R/o – Forbesganj, Ward No.11, P.O. & P.S. Forbesganj, Araria.
6. Kali Prasad Bhagat, S/o – Ram Chandra Bhagat, Proprietor of Beer Bar, R/o – Forbesganj, Ward No.11, P.O. & P.S. Forbesganj, Araria.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 05-05-2017

After having heard learned counsel for the appellant, who has assailed the order dated 10.07.2014, passed by the learned Single Judge allowing the writ application, the court has come to a considered opinion that the learned Single Judge was absolutely correct in recording his opinion as under : -

"In view of the authoritative pronouncement of the Division Bench, this Court holds that initiation of the proceeding by the DCLR under BLDR Act itself is misconceived, he should not have started the proceeding, in stead, he should have advised the parties to approach



the civil court and get the right, title and possession decided. In this view of the matter, the order dated 15th April 2011 passed by the DCLR in Case No. 24 of 2011 and the order dated 12th October 2011 passed in Land Dispute Appeal No. 40 of 2011 are set aside. Parties are relegated to get their disputes decided by the civil court of competent jurisdiction."

The learned Single Judge has also taken note of the authoritative pronouncement of the Division Bench to hold as above, because, case for partition of the ancestral property, being Title Suit No. 147/2008, had already been instituted, and the present appellant had also appeared and filed his written statement. When a civil court of competent jurisdiction was already in *seisin* of the matter, there was no reason to innovate and create jurisdiction in an authority that too under Bihar Land Dispute Resolution (for brevity, the "BLDR") Act, and seek a favourable order from a forum or authority, which had no business to entertain any application in relation to the nature of the dispute between the parties.

Many cases of misuse of forum and power by the DCLR under the Bihar Land Dispute Resolution Act are coming to the court, which was not the object and purpose of the said legislation. Any interference with the order of the learned Single Judge in the present appeal will only be sending a wrong message to such forums,



the authority as well as such litigants who are always on the lookout for easy solutions to complicated issues by means fair or foul.

We, thus, find no merit in this appeal. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/**AFR**

U			
---	--	--	--

