

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21298 of 2012

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1. Brahmdeo Yadav Son Of Late Amir Yadav Resident Of Village - Barhara, P.S.
Narpatganj, District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Araria
2. District Magistrate, Araria
3. Land Reforms Deputy Collector, Forbesganj, (Araria)
4. Circle Officer, Narpatganj (Araria)
5. Anant Yadav Son Of Late Kulanand Yadav Resident Of Village - Barhara, P.O. -
Barhara, P.S. - Narpatganj, District - Araria
6. Pawan Yadav Son Of Late Kulanand Yadav Resident Of Village - Barhara, P.O. -
Barhara, P.S. - Narpatganj, District - Araria
7. Suman Kumar Yadav Son Of Late Kulanand Yadav Resident Of Village -
Barhara, P.O. - Barhara, P.S. - Narpatganj, District - Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR SHARMA

For the Respondent/s : Mr. MANOJ PRIAYDARSHI SC17

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 31-07-2017

Heard learned counsel for the petitioner as well as learned
counsel appearing for the State.

No one appears on behalf of the private respondent nos. 5
to 7 though notices have been validly served upon them.

The case of the petitioner is that 9 decimals land of plot
no. 2650 appertaining to Khata No. 615 of village Barhara, District,
Araria was settled with him through settlement Case No. 7/ 95-96.
The petitioner got constructed his residential house over 5 ½ decimals
of land whereas remaining 3 ½ decimals of land were being used by



him as Sahan and open passage to approach on the road. The grievance of the petitioner is that the private respondents forcibly dispossessed him from the aforesaid 3 ½ decimals of land and after that he lodged case No. 76/11-12 before the court of DCLR for declaring his right under BLDR Act. In the aforesaid case notice was issued to the private respondents and having considered the materials as well as submissions of the parties, learned DCLR, Forbesganj, Araria passed the order dated 10.01.2012 directing the Anchal Amin to make demarcation of land of the petitioner and also directed the private respondents to remove the illegal structure if any, and after vacating hand over possession of in question to petitioner within 30 days from the aforesaid order. The private respondent did not comply the order of DCLR. Thereafter, the petitioner filed a petition before the DCLR, Forbesganj, Araria for execution of his previous order but the DCLR, Forbesganj vide impugned order dated 10.07.2002 directed the petitioner to place his stand explain about his share in respect of boundary of the aforesaid land.

The petitioner has prayed before this Court for quashing the order dated 10.07.2012 passed by the DCLR, Forbesganj.

Learned counsel appearing for the State submits that as a matter of fact, there was dispute of boundary between petitioner and private respondents and the Parwana issued to petitioner does not



contain clear picture of boundary of the settled land of the petitioner and moreover, private respondent also claimed that some part of plot no. 2285 was settled in their favour and that is the reason the DCLR, Forbesganj, directed the petitioner to explain his stand regarding boundary of his settled land.

It is not in dispute that when the petitioner lodged case No. 76/2011-12. before the learned LRDC, notice was issued to the private respondents and after hearing both the parties, the learned LRDC passed the order dated 10.07.2012 in Case No.76/11-12 directing the private respondents to vacate the encroached land of the petitioner and, thereafter, the petitioner only filed petition before the LRDC for implementation of his previous order.

In my view, when the learned DCLR, Forbesganj, had already declared the private respondents as encroachers of the land of the petitioner, the LRDC had got no jurisdiction to review his previous order. Therefore, in my view the LRDC illegally directed the petitioner to make his stand clear in respect of boundary of his plot and I am of the opinion that the impugned order dated 10.07.2012 has not been passed in accordance with law. Accordingly, the impugned order dated 10.07.2012 passed in Case No. 76/11-12 is, hereby, quashed and the respondent no. 3 i.e the Land Reforms Deputy Collector Forbesganj, is directed to ensure compliance of his



previous order dated 10.07.2012 passed in the above stated case No. 76/11-12 within four weeks from the date of receipt/ production of a copy of this order.

Accordingly, this writ petition stands disposed of.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NAFR
Uploading Date	08.08.2017
Transmission Date	08.082017

