

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12747 of 2016

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Kedar Modi, Son of Late Narayan Modi, Resident of Village- Oraiya, P.S.-
Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Jamui.
4. The Sub-Divisional Officer, Jamui, District- Jamui
5. The Deputy Collector Land Reforms, Jamui, District- Jamui
6. The Circle Officer, Jhajha, District- Jamui
7. Bhola Yadav, Son of Late Anup Yadav
8. Jamuna Yadav, Son of Late Anup Yadav
9. Leeta Yadav, Son of Late Anup Yadav.
10. Dinesh Yadav, Son of Bhola Yadav.
11. Ram Pravesh Yadav, Son of Dinesh Yadav.
12. Pappu Yadav, Son of Jamuna Yadav.
13. Ajay Yadav, Son of Leeta Yadav.
14. Guddu Yadav, Son of Jamuna Yadav. All are residents of Village- Oraiya, P.S.-
Jhajha, District- Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra
For the Respondent/s : Mr. Nadeem Seraj-Gp

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 11-09-2018

Heard both sides.

2. The petitioner filed this writ petition for quashing the letter no.145, dated 18.03.2016 (Annexure-12) sent by Circle Officer, Jhajha, District Jamui to the Deputy Collector Land Reforms, Jamui and on such the DCLR, Jamui passed order on 07.06.2016 holding that the dispute involves complicated question of title and the parties are advised to move the civil court.



3. The learned counsel for the petitioner submits that the father of the petitioner purchased the land measuring 13.3/4 decimals of Khata No.3, Plot No.906 situated in village Oraiya, P.S. Jhajha, District Jamui through two sale deeds dated 17.08.1957 and 16.12.1957 and came in possession. The father of the petitioner constructed drainage adjacent to the western wall of the house of the petitioner but the respondents went upon to encroach the drainage for that the petitioner filed petition before the Deputy Collector Land Reforms, Jamui, on such Land Dispute Case No.10 of 2011-12 was instituted. The Circle Officer reported that Bhola Yadav and others damaged the drainage and constructed wall over the drainage. The DCLR allowed the Land Dispute Case No.10 of 2011-12 in favour of the petitioner and directed the respondents no.7 to 14 to remove the encroachment. Respondents filed appeal before the Divisional Commissioner, Munger being L.D. Appeal No.67 of 2012. The Commissioner remanded the case to the Deputy Collector Land Reforms to decide the case afresh after making physical verification of the disputed site. The petitioner again moved before the Bihar Land Tribunal in B.L.T. Case No.813 of 2013 against the order of the Divisional Commissioner, Munger. The B.L.T. dismissed the case of the petitioner directing the DCLR to get the land measured in



accordance with the direction given by the Divisional Commissioner, Munger. The DCLR got the land measured but disposed of the case holding that there is title dispute between the parties.

4. It appears that there is provision of appeal against the order of DCLR but the petitioner has filed this writ petition for quashing the order of the DCLR who decided the case after being remanded to him afresh in accordance with law. In this view of the fact, the petitioner has got efficacious and alternative remedy by way of appeal against the order of the DCLR, therefore, I am not inclined to interfere into the order in this writ petition.

5. Accordingly, this writ petition is dismissed with liberty to the petitioner to file appeal before the Divisional Commissioner, Munger against the order of the DCLR, Jamui.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2018
Transmission Date	NA

