

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1210 of 2014

IN

Civil Writ Jurisdiction Case No. 22533 of 2013

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Smt. Pratima Devi W/o Late Ram Naresh Singh, resident of Village Shekhpura,
P.S. Ramkrishna Nagar, Distt. Patna presently residing at Village- Rahmatganj
(Deo Asthan Neemtal), P.S. Masaurhi, Distt. Patna. Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate cum Collector, Patna
4. The Deputy Collector, Land Reforms, Patna Sadar, Patna
5. The Circle Officer, Sampat Chak Circle Officer, Patna
6. Rakesh Singh @ Munna S/o Late Ram Naresh singh, resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna presently residing at Village- Rahmatganj (Deo Asthan Neemtal), P.S. Masaurhi, Distt. Patna
7. Ranju Sinha W/o Bibhuti Bhushan Kumar resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna presently residing at Village- Rahmatganj (Deo Asthan Neemtal), P.S. Masaurhi, Distt. Patna
8. Bimal Devi W/o Arun Singh resident of village Noora, P.S. Masaurhi, District Patna
9. Kamta Prasad Singh, S/o Late Rajendra Prasad Singh resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna
10. Satendra Narayan Singh, S/o Sri Kamta Prasad Singh resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna
11. Anju Devi W/o Ashok Kumar Singh Resident of village Mushepur, P.S. Bihta, District- Patna present residing of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna
12. Ashok Kumar singh s/o Late Lav Kush Prasad Resident of village Mushepur, P.S. Bihta, District- Patna present residing of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna
13. Mantu Singh S/o Sri Kamta Prasad Singh Resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna
14. Bambam Singh S/o Sri Kamta Prasad Singh Resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna
15. Sarvajeet Singh S/o Sri Kamta Prasad Singh Resident of Village Shekhpura, P.S. Ramkrishna Nagar, Distt. Patna. Respondent/s



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Appearance :

For the Appellant/s : Mr. Kumar Kaushik, Adv.
For the Respondent/s : Mr. A.C.to SC-22

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-02-2018

Heard learned counsel for the appellant, learned counsel
for the private respondents and the State.

Having given a detailed hearing to the submissions made
on behalf of the appellant, who is assailing the order dated 04.07.2014
in this Letters Patent Appeal of the learned Single Judge, we come to
the conclusion that the reason which has been assigned by the learned
Single Judge in allowing the writ application in favour of the private
respondents are both legal and valid.

This Court is flooded with the instances where the forum
of D.C.L.R. is being misused by certain vested interest and the learned
D.C.L.R. is more than willing to oblige for reasons which are quite
obvious. Such disputes do not come within the domain of the learned
D.C.L.R. and this is what the learned Single Judge has held keeping
mind the ambit of the Bihar Land Dispute Resolution Act, 2009,
especially Section 4.

The lands in question were sold by duly registered sale
deed by one Shanti Devi and the present appellant claims that she had
no right, title and interest to alienate the properties. It was a pure case



of title and, therefore, any decision rendered by the D.C.L.R. by entertaining application under the garb of dispossession cannot create jurisdiction. If this is so, then any decision of affirmance either by the appellate or revisional authority also suffers from the same vice and therefore, the learned Single Judge rightly quashed all the orders and allowed the writ application.

Not only the fact that there are title suits pending with regard to the same set of lands emerging from the order of the learned Single Judge but it is also certified by the parties that the suits have been instituted in the year 2013, therefore, it will be in the interest of all including the present appellant to participate, cooperate and get an early declaration in the pending suits.

This Court will not interfere with the impugned order of the learned Single Judge dated 04.07.2014 for the reason that no infirmity emerges from the said order.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2018
Transmission Date	NA

