

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4526 of 2017

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1. Md. Razzaque, S/o Late Md. Hanif,
2. Abdul Qaiyum, S/o Md. Hanif, Both resident of village - Balha Bazar,
P.S. Mansi, District - Khagaria

.... Petitioners

Versus

1. The State of Bihar
2. The Member Administrative Bihar Land Tribunal, Patna
3. The Divisional Commissioner, Munger
4. The D.C.L.R., Khagaria
5. The Anchal Adhikari, Manshi, District - Khagaria
6. Ajay Kumar, S/o Yogendra Prasad Saha,
7. Most Jay Shri Devi, W/o Late Anup Lal Mehta,
8. Md. Nanzoor, S/o Late Md. Zaimuddin, All are resident of village -
Balha Bazar, P.S. Mansi, District - Khagaria

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan
For the Respondent/s : Mr. Rishi Raj Sinha-Sc19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 04-10-2018 Heard both sides.

The petitioners have filed this writ petition for quashing the order dated 02.12.2015 passed by Member Administrative Bihar Land Tribunal, Patna in B.L.T. Case No.224 of 2014, by which, the Member Administrative Bihar Land Tribunal dismissed the case of the petitioners confirming the order dated 06.11.2013 passed by Divisional Commissioner, Munger in L.D. Appeal No.65 of 2012 and order dated 06.02.2012 passed by the D.C.L.R., Khagaria in B.L.D.R. Case No.106 of 2011.



Learned counsel for the petitioners submits that the land of Khata No.241, Khesra No.976, area 10 dhur situated in village Balha, P.S. Manshi, was owned by Chandu Mian and the petitioners being ancestors of the sister of Chandu Mian filed case before the D.C.L.R in B.L.D.R. Case No.106 of 2011 stating therein that the respondents dispossessed them from the land. The petitioners claimed the land by virtue of inheritance but the respondents claimed the land by virtue of unregistered deed said to have been executed by Chandu Mian. It is further submitted that the D.C.L.R. has decided the title of the parties but the Commissioner and the B.L.T. also dismissed the appeal without looking into the fact and illegality committed by the D.C.L.R., therefore, all the orders are liable to be set aside but I find from perusal of the records and after perusal of the order of the D.C.L.R., the D.C.L.R. did not decide the question of title only on the basis of documents, the D.C.L.R. held that the name of the respondents were mutated on the basis of the gift deed and the petitioners did not move against the order of mutation recorded in the name of respondents. On such document, the D.C.L.R. found respondents in possession of the land and accordingly dismissed the case of the petitioners on the same ground.

Having considered the facts, I find that the D.C.L.R.



has not decided the title of the petitioners and respondents but held that the respondents are in possession of the land. Therefore, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

However, it is made clear that any finding with regard to the title of any party shall have no bearing and effect and shall not prejudice the case of the petitioners, if the petitioners file suit for redressal of their grievances.

(Prabhat Kumar Jha, J)

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