

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21200 of 2018

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Ram Bali Yadav @ Rajeshwar Yadav, Son of Late Sidhi Yadav, Resident of village - Bara near Chakand Tola, Rahimbigha, P.O. - Bara, P.S. Chandauti, Distt. Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. The Chairman, Bihar Land Tribunal, Patna.
3. Divisional Commissioner, Gaya.
4. D.C.L.R., Sadar, Gaya.
5. Circle Officer, Chandauti, Gaya.
6. Rajendra Yadav
7. Ram Kishun Yadav
8. Mahendra Yadav,
All sons of Late Hulash Yadav
9. Kameshwar Yadav
10. Ramswaroop Yadav
11. Nathun Yadav,
All sons of Late Ram Prasad Yadav
12. Kali Devi wife of Late Raja Ram Yadav
13. Subodh Yadav, son of Late Raja Ram Yadav

All residents of village-Bara Tola, Rahimbigha, Near Chakand, P.O. Bara
Via Chakand, P.S. Chandauti, District-Gaya

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Respondent/s : Mr.Subash Chandra Yadav -Gp15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-11-2019 Heard both sides.

The petitioner has filed the present writ petition for quashing the order dated 02.08.2018 passed by the Chairman of the Bihar Land Tribunal, Patna in B.L.T. Case No.192 of 2016, by which he has dismissed the same affirming the order dated 23.12.2015 passed by the Divisional Commissioner, Gaya in B.L.D. R. Appeal



No.29 of 2014-15 and also affirming the order dated 30.12.2013 passed by the D.C.L.R., Sadar Gaya in B.L.D.R. Case No. 304 of 2013-14.

In this case, a dispute is with regard to lands of C.S. Khata No.65, R.S.Khata No.473, C.S. Plot No.1755, R.S. Plot No.2663, area 10 decimals, situated in village- Bara Tola, Rahimbigha, Thana No.220, District-Gaya.

Learned counsel for the petitioner submits that out of C.S. Plot No.1755, R. S. Plot No.2624,2525,2662, 2663, 2670, 2671, 2672 and 2673 were carved out. C.S. Plot No.1755 was recorded in the name of family members of the petitioner, but private respondents claimed the land of plot No.2663 and filed a petition that the petitioner has encroached the land. Learned counsel for the petitioner further submits that the D.C.L.R. ordered for demarcation and gave over the possession of the respondents only on the basis of the fact that Plot no.2663 was purchased by the respondents from the recorded tenant. A petition under Section 106 B.T.Act was filed before the revenue authority and the revenue authority ordered for correction of the record of rights with regard to Plot No.2663 on 30.06.1986 and, therefore, the order suffers from illegality.

It is crystal clear from the order dated 30.12.2013 passed by the D.C.L.R.,Gaya in B.L.D.R. Case No.304 of 2013-14 that Plot No.2663 (new)/ 1755(old), area 10 decimals was purchased by respondents on 20.06.1998 and they came over in possession after



mutating their names, but later on the petitioner dispossessed them and, thereafter, respondents filed a petition before the D.C.L.R. for measurement of Plot no.2663, area 10 decimals carving out from C.S. Plot No.1755 of R.S. Khata No. 473, C.S. Khata No.65 situated in village-Bara Tola, Rahimbigha, Thana No.220, District-Gaya. The D.C.L.R. found that the land was encroached by the petitioner and, accordingly, ordered for removal of encroachment from the said land. The said order was confirmed by order dated 23.12.2015 passed by the Divisional Commissioner, Gaya in B.L.D.R. Appeal No.29 of 2014-15. It is also evident that Plot No.2663 was recorded in the name of vendors of the respondents and there was nothing on record to show before the revenue authority that Plot no.2663 is part of C.S.Plot No.1755. Record of rights remained in the name of vendor of the respondents and, therefore, this Court does not find any illegality in the orders.

Having considered the facts and on perusal of the orders impugned, I do not find any merit in the writ petition.

Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J.)

nawalkrs/-

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