

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24516 of 2018

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Rakesh Kumar S/o Latge Bachchu Prasad Resident of Mohalla Guradwara
Road,Gosai Bag,P.S. Kotwali,Dist.Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Land Reforms, Govt. of Bihar
2. The Commissioner, Magadh Division, Dist.-Gaya
3. The Collector, Gaya Dist. Gaya
4. Deputy Collector Land Reforms, Dist.Gaya
5. Circle Officer, Bodhgaya, Dist.-Bodhgaya
6. Amrendra Kumar Verma S/o Late Vigyaneshwar Prasad Verma Resident of
Mohalla Brahmighat, Post Chand Chaura, P.S. Civil Lines, Dist.Gaya
7. Raviv Lochan Sinha S/o Awadh Kishore Prasad Resident of Mohalla
Anugrah Bank Colony, P.S. Rampur, Dist.Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh
For the Respondent/s : Mr.Rishi Raj Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-07-2019 Heard learned counsel for the parties.

2. An order dated 26.06.2018, passed in BLT Case No. 285 of 2018 by the learned Chairman of the Bihar Land Tribunal, Patna has been put to challenge in the present writ application. By the said order, the learned Chairman has dismissed the petitioner's application, which was filed, questioning an order dated 18.01.2017, passed by the Commissioner, Magadh Division, Gaya.

3. It appears that respondent No.6 herein, had filed an



application under the Bihar Land Disputes Resolution Act, 2009, claiming his title over the land appertaining to C.S. Khata No. 45, Area 71.66 decimal of village Pathara Anchal, Bodhgaya, which was *Kaisher-A-Hind* Land and was auctioned purchased by Dwarika Nath Verma. The said application had given rise to BLDR Case No. 90 of 2011-12. The Deputy Collector Land Reforms, dismissed the application filed by respondent No.6, mainly on the ground that since the matter involved disputed questions of fact touching the title over the land in question, the same could not be gone into in a proceeding under Bihar Land Disputes Resolution Act, 2009. An appeal was thereafter, preferred by respondent No.6 in the Court of Commissioner, Magadh Division, Gaya, who by order dated 18.01.2017 allowed the appeal holding the right of respondent No.6 over the land. The petitioner claims to be a purchaser of the same land from Respondent No.7. He questioned the correctness of the order of the Commissioner dated 18.01.2017 before the Bihar Land Tribunal, Patna which has been dismissed.

4. This is to be noted that since the petitioner was not a party either before the Deputy Collector Land Reforms or before the Commissioner, so as to assail the order of the



Commissioner, he had filed an application before the Bihar Land Tribunal seeking permission to assail the impugned order, by way of I.A. No. 285 of 2018, which too, has been dismissed by the learned Chairman of the Tribunal.

5. Learned Chairman of the Tribunal has taken note of the fact that Title Suit No. 292 of 2015 is pending for consideration before the Court. Learned Chairman has also noticed that the vendor of the petitioner did not choose to question the correctness of the order of the Commissioner dated 18.01.2017 and the petitioner, being purchaser *pendente lite* was questioning the order of the Commissioner, Magadh Division, Gaya.

6. Nevertheless, learned Chairman has noted that the dispute was between the parties in respect of title relating to land in question, which was pending in the Civil Court. Learned Chairman, accordingly, observed, while dismissing the application of the petitioner that final judgment and decree to be passed in the pending suit between the parties would govern the rights of the respective parties over the land in question.

7. The petitioner has been allowed by the learned Chairman to seek interim relief, before the competent civil Court in the pending suit. In my opinion, the said order dated



26.06.2018 does not suffer from any legal infirmity, requiring this Court's interference. As has been held by this Court in case of **Maheshwar Mandal Vs. State of Bihar and ors** reported in **2018(3) PLJR 1107**, any dispute in respect of the title cannot be adjudicated upon by the authorities under the Bihar Land Disputes Resolution Act, 2009.

7. It goes without saying that any finding recorded by the Commissioner in the order dated 18.01.2017 cannot be said to be conclusive finding on the question of title over the land in question.

8. This application is disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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