

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2196 of 2019

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1. Suresh Bind, son of Haridwar Bind
 2. Dadan Bind, son of Satya Narayan Bind
 3. Dinesh Bind, son of Satyanaran Bind
 4. Ramji Bind, son of Late Kedar Bind
 5. Ram Kali Kunwar, wife of Late Kedar Bind
- All are residents of Village- Telipokhar, Post Office- Thanua, Police Station- Sheosagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate cum Collector, Rohtas at Sasaram.
4. The Deputy Collector, Land Reforms, Sasaram, Rohtas.
5. Ram Kali Devi, wife of Nand Kumar Bind, resident of Village- Telipokhar, Post Office- Thanua, Police Station- Sheosagar, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Bajarang Lal Mr. Nagendra Prasad
For the Respondent-State:		Mr. Rishi Raj Sinha, SC-19 Mr. Saurab Kumar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-02-2019 Heard learned Counsel for the parties concerned.

Learned Counsel appearing on behalf of the petitioners is seeking permission for certain corrections to be made in the name of respondent no. 5 and paragraph 5 of the writ application, which are apparently, typographical error.

Permission is accorded.

Let it be done in course of the day.

The petitioners seek to challenge the validity of the



order, dated 23.10.2018, passed by learned Member (Administrative), Bihar Land Tribunal, Patna, in B.L.T. Case No. 795 of 2016, confirming the order, dated 13.11.2013/ 19.11.2013, passed by the Divisional Commissioner, Patna, in Land Dispute Appeal No. 80 of 2013 and the order, dated 30.11.2012, passed by the Deputy Collector, Land Reforms, Sasaram in Land Dispute Case No. 70 of 2012-13.

Mr. D.K. Sinha, learned Senior Counsel appearing on behalf of the petitioners, has submitted that the original order, dated 30.11.2012, passed by the Deputy Collector, Land Reforms, Sasaram, is itself beyond jurisdiction and in teeth of the provisions of Bihar Land Disputes Resolution Act, 2009. He has submitted that the Deputy Collector Land Reforms does not have any authority to restrain the petitioners from entering into the disputed land in the facts and circumstances of the case as the said decision could be taken only after decision on the questions of title and possession of the respective parties.

This is not in dispute that the petitioners have filed a suit, being Title Suit No. 180 of 2011, which is pending before learned Sub-Judge – VI, Sasaram. In the said title suit, it does not appear whether the petitioners have prayed for any injunction, if, according to them, they are in possession over the



plot in question. From the impugned order passed by learned Member (Administrative) of the Bihar Land Tribunal, Patna, it appears that mutation was done by the Circle officer, Shivsagar, in favour of the Opposite Party No. 4 and land possession certificate was also issued by the Circle Officer in his favour.

Considering the facts and circumstances, learned Member has recorded a finding that the factum of possession was in favour of Opposite Party No. 4.

I am not going into the question as to whether the Deputy Collector Land Reforms had any jurisdiction to entertain a dispute involving complex questions of title and possession. The Deputy Collector Land Reforms had by the order, dated 30.11.2012, restrained the petitioners from going over the disputed land and disturbing the petitioners peaceful enjoyment of the disputed land. The only observation, which I intend to make at this stage, is that the petitioners shall be at liberty to take the plea, which is being taken in this Court, before the Court below in Title Suit No. 180 of 2011. The Court below shall not be bound by any observation made either by the Deputy Collector Land Reforms in his order, dated 30.11.2012, or final order passed by the Bihar Land Tribunal, Patna. The Court below shall not be prejudiced, by any of the findings



recorded in the said orders.

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J.)

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