

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13830 of 2016

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Lal Babu Ram, son of Late Gulab Mahra, resident of Village-Barharwa
Lakhan Sen, P.S.-Dhaka, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Board of Revenue
2. The Registrar, Bihar Land Tribunal, Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The Land Reforms Deputy Collector, Sikrahana Dhakha, East Champaran
5. The Circle Officer, Dhaka, East Champaran
6. Md. Ataur Rahman, son of Late Md. Yunus, resident of Village-Barharwa
Lakhansen, P.S.-Dhaka, District East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dilip Kumar Tondon
For the State	:	Mr.Md.Khurshid Alam-AAG-12
For respondent no.6		Mr. Nirbhay Prashant, Mr. Barin Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-02-2019 Heard learned counsel for the parties.

The Bihar Land Tribunal (for short 'the Tribunal), Patna, by a judgment and order dated 18.03.2016, passed in B.L.T. Case No. 74 of 2015, has set aside the order dated 06.01.2015, passed by the Divisional Commissioner, Tirhut Divisional, Muzaffarpur in B.L.D.R. Appeal No. 177 of 2012, whereby the order dated 20.03.2012, passed by the Deputy Collector Land Reforms, Sikrahna at Dhaka in B.L.D.R. Misc. Case No. 49 of 2011 was affirmed. By the said order dated 20.03.2012, passed in B.L.D.R. Misc. Case No. 49 of 2011, the Deputy Collector Land Reforms, Sikrahana at Dhaka had



restrained respondent no.6 from interfering with the peaceful possession of respondent no.6 over the disputed land and had also directed the Officer-in-charge of the local police station, to allow protection to respondent no.6.

The Tribunal has recorded the reasons for interference with the impugned orders, passed by the Divisional Commissioner and the Deputy Collector Land Reforms in paragraph 11. The Tribunal has noted that the Bihar Land Disputes Resolution Act, 2009 confers upon the competent authorities very limited jurisdiction to decide only such dispute which has already been settled and finally decided under the provisions of six enactments, which figure in Schedule-1 of the Act.

The petitioner is not disputing that a title suit has already been decided with respect to the land in question, in which a decree has been passed in favour of respondent no.6. It is, however, the case of the petitioner that the said decree in title suit is *ex parte*. The Tribunal has observed that once the title suit has been decided in favour of respondent no.6, the revenue authority could not have decided the dispute otherwise, going against the finding recorded by the civil court in the title suit.



I do not find any infirmity in the reasons so assigned by the Tribunal for interfering with the impugned order dated 06.01.2015, passed by the Divisional Commissioner and the order dated 20.03.2012, , passed by the Deputy Collector Land Reforms. The impugned order does not require any interference.

I do not find any merit in this writ application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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