

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5058 of 2019

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1. Dhrup Sharma aged about 81 years, Male, S/o late Jagdeo Barhai R/o Vill-Sheikhpura, P.S. and Cirlce- Basantpur, District- Siwan.
 2. Shivji Sharma aged about 71 years, male, S/o late Indar Barhai R/o Vill-Sheikhpura, P.S. and Cirlce- Basantpur, District- Siwan.
 3. Jawahar Sharma aged about 63 years, male, S/o late Jagdeo Barhai R/o Vill-Sheikhpura, P.S. and Cirlce- Basantpur, District- Siwan.
 4. Rama Shankar Sharma aged about 50 years, male, Son of late Ram Ekbal Sharma R/o Vill- Sheikhpura, P.S. and Cirlce- Basantpur, District- Siwan.
 5. Uma Shankar Sharma aged about 48 years, male, Son of late Ram Ekbal Sharma R/o Vill- Sheikhpura, P.S. and Cirlce- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. Dy. Collector Land Reforms, Maharajganj, Siwan.
4. Rajendra Mahto Son of late Bhagelu R/o Village Sheikhpura, P.S. Basantpur, District- Siwan.
5. Nagendra Mahto Son of late Bhagelu R/o Village Sheikhpura, P.S. Basantpur, District- Siwan.
6. Most. Guriya Kuar W/o late Ravindra Mahto R/o Village Sheikhpura, P.S. Basantpur, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Respondent/s : Mr.Abhay Kumar Kashyap, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-03-2019 An order dated 08.08.2018, passed by learned Chairman, Bihar Land Tribunal, Patna in BLT Case No. 800 of 2017 is under challenge in the present writ application, whereby the Tribunal has held the dispute between the contesting parties to be involving complex issues relating to rectification of the



plot number in the sale deed which could not be decided under Bihar Land Dispute Resolution Act, 2009. This is to be noted that the Deputy Collector Land Reforms, Maharajganj by an order dated 10.11.2014, passed in BLDR Case No. 87 of 2014-15 had declared title and possession in favour of the petitioners in respect of the disputed land. The said order of the Deputy Collector Land Reforms was challenged before the Commissioner, Saran Division. The Commissioner, Saran Division applying the ratio laid down by this Court in case of ***Maheshwar Mandal and another Vs. State of Bihar and ors***, reported in ***2018(3) PLJR 1007***, set aside the order of the Deputy Collector Land Reforms for the reason that the complex issues involving rectification of plot number in the sale deed were involved. The said order of the Commissioner has been upheld by the learned Chairman of the Tribunal by the impugned judgment and order. On perusal of the materials on record, I do not find any reason to interfere with the impugned decision. The petitioners' case before the Deputy Director Land Reforms was that the land in question was purchased and was in possession since long. However, because of some typographical error in the sale deed in respect of plot number, the contesting respondents were unnecessarily creating



disturbance, with peaceful possession of the petitioners, over the land in dispute.

On perusal of the impugned order and the order passed by the Commissioner, Saran Division as well as the order of the Deputy Collector Land Reforms, I am of the view that the Tribunal has rightly held that complex issues involving rectification in the sale deed were involved which could not be adjudicated upon in a proceeding under Bihar Land Dispute Resolution Act, 2009.

The order impugned does not require interference by this Court.

This application is, accordingly, dismissed.

It goes without saying that the petitioners shall have liberty to approach the competent Court of civil jurisdiction for redressal of their grievance.

It is indicated that I have not gone into the merits of the petitioners' case and any observation made in the present order shall not construe an opinion over the merits of the case and, therefore, this order should not prejudice any one's merit.

(Chakradhari Sharan Singh, J)

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