

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10506 of 2019

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Md. Waris S/o Md. Mojib Vill.- Nikhra, P.s.- Kadwa, Distt.- Katihar
... .. Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner Purnia Division, Purnia
3. The Deputy Collector Land Reform Land Reform, Barsoi, Katihar
4. The Circle Officer Kadwa, Distt.- Katihar
5. Md. Tahsim S/o Late Md. Muslim S/o Late Md. Muslim, Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar
6. Md. Wasim S/o Late Md. Muslim Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar
7. Md. Hasib S/o Late Wajuddin Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar
8. Md. Moin S/o Late Hasib Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar
9. Md. Israr S/o Late Hasib Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar
10. Md. Naim S/o Late Md. Muslim Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar
11. Md. Mokim S/o Late Md. Muslim, Vill.- Nikhar, P.o.- Parveli, P.s.- Kadwa, Distt.- Katihar

... .. Respondents

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Appearance :

For the Petitioner : Mr.Jitendra Kumar Giri
For the Respondent/s : Mrs.Sanghmitra Ghosh, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 13-05-2019 The learned Member (Administrative), Bihar Land Tribunal, by the impugned order, dated 06.11.2018, has declined to interfere with an order, dated 04.03.2016, passed in BLDR Case No. 110 of 2014, by the Divisional Commissioner, Purnia, affirming an order of the Deputy Collector, Barsoi, Katihar, in



BLDR Case No. 105 of 2013-14, holding that the petitioner could not establish his claim of partition having already taken place, in the family.

I need not go into the dispute involved in the present case in detail for the reason that it is evident from the facts asserted in the writ application and the orders, which are under challenge, that the claim of the petitioner of partition having taken place in the family has not been admitted and has rather been seriously disputed by the contesting respondents. The dispute was raised by the petitioner in a proceeding under the provisions of the Bihar Land Disputes Resolution Act, 2009.

In case of *Maheshwar Mandal vs. State of Bihar*, reported in **2018(3) PLJR 1007 (D.B.)**, a Division Bench of this Court has clearly laid down that any authority under the said Act do not have the jurisdiction to go into the complex questions of title.

It is evident from the order of the Divisional Commissioner, which was impugned before the Tribunal, that the Divisional Commissioner did not find any clinching material to reach a conclusion that there was a partition in the family. The said finding of the Commissioner has been affirmed by the Tribunal after recording that the dispute in respect of partition,



which involves complex question of title, cannot be resolved by a revenue Court.

I do not find any infirmity in the impugned order passed by the Tribunal. The parties have already been given liberty to move a competent civil court for adjudication of their dispute.

This application is accordingly dismissed with the observation that the parties shall be at liberty to approach competent court of civil jurisdiction for redressal of their grievance.

(Chakradhari Sharan Singh, J)

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