

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7130 of 2015

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Parshuram Parjapati son of Bigu Parjapati Resident of village Labhari Khurd,
P.S. Amba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Aurangabad.
3. Sub-Divisional officer, Aurangabad.
4. Deputy Collector Land Reforms, Aurangabad.
5. Circle Officer, Kutumba, District- Aurangabad.
6. Superintendent of Police, Aurangabad.
7. Dy. S.P. Aurangabad
8. Officer-in-charge, Amba P.S., District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dronacharya
For the Respondent/s : Mr. R.N.Dubey, AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-01-2019 Heard learned counsel for the parties.

2. The petitioner seeks a direction to the respondents to execute an order dated 09.12.2011, passed by the Deputy Collector Land Reforms, Aurangabad in Land Dispute Resolution Case No. 40 of 2011. It is the case of the petitioner that power to execute an order passed under Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as 'the Act') vests in the DCLR under Section 15 of the Act and execution matter is still pending even after lapse of several years. It has also been submitted that the said order under the Act has attained finality inasmuch an appeal was preferred before the



Commission, Magadh Division, Gaya by a person, who was not a party to the Land Dispute Resolution Case No. 40 of 2011. The said order of the Divisional Commissioner, Gaya dated 12.06.2012, rejecting appeal was put to challenge before this Court in a writ proceeding being CWJC No.3030 of 2014, which was allowed to be dismissed as withdrawn by an order dated 18.05.2016 with a liberty to the petitioner of that case to take recourse under the provisions of the Bihar Land Dispute Resolution Tribunal Act, 2010. No appeal has, however, been preferred so far against the order of the Commissioner and thus, the order of the Deputy Collector Land Reforms dated 09.12.2011 has attained finality.

3. A counter affidavit has been filed on behalf of the respondent-State of Bihar. It has been stated, *inter alia*, in the said counter affidavit that the Jamabandi in the name of the petitioner in respect of the disputed land has been cancelled under the order of the Deputy Collector Land Reforms, Aurangabad in Revision Case No. 19/2013/30/2013-14. The petitioner claims that an appeal has been preferred against the said order of the Additional Collector, Aurangabad before the Commissioner, Magadh Division, Gaya, which is still pending.

4. Considering the nature of the dispute which arises



out of the order dated 09.12.2011 and subsequent order dated 18.11.2016, passed in Mutation Revision Case No. 19 of 2013, I am of the view that unless the petitioner gets over subsequent order dated 18.11.2016, the order passed by the DCLR cannot be given effect to.

5.Considering the nature of the dispute, I would direct the Commissioner, Magadh Division, Gaya to expeditiously dispose of the petitioner's Appeal No. 02 of 2017 preferred against the order of the Deputy Collector, Land Reforms dated 18.11.2016 within a period of two months from the date of receipt/production of a copy of this order.

6. It goes without saying that complex questions of title can be decided only by civil Court of competent jurisdiction which remedy is also available to the petitioner.

7. This application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

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