

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9199 of 2015

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Suresh Sahni son of Late Kailu Sahni resident of village Meghaul , P.S. Manjhaul , District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna New Secretariat
2. Krishna Mohan Thakur son of Late Ram Chandra Thakur, resident of Village Meghaul, P.S. Manjhaul, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar Mr. Rohit Raj Mrs. Nirmala Singh Mrs. Shradha Banka Mr. Alok Kumar @ Alok Kr Shahi
For the State		Mr. Kamlesh Kishore, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 18-04-2019 Heard the learned counsel for the parties.

An order passed by the Divisional Commissioner, Munger dated 11.02.2015 is under challenge in the present writ application. By the impugned order, the Divisional Commissioner, Munger has refused to interfere with an order dated 06.08.2012, passed in Land Dispute Resolution Case No. 41 of 2011.

It is apparent from the impugned order dated 11.02.2015 that the appellate authority has not gone into the merits of the rival claims of the parties. It seems that earlier by an order of the Divisional Commissioner, Munger, an order



earlier passed by the Deputy Collector Land Reforms was set aside and the matter was remanded back to the Deputy Collector Land Reforms, who, reiterating his earlier view, passed the order dated 06.08.2012, which became the subject-matter of the challenge before the Divisional Commissioner, Munger in L.D. Appeal No. 277 of 2012. It seems and there is no much dispute over the fact that private respondent no.2 had approached the authority under the Bihar Land Disputes Resolution Act, 2009 (for short 'the Act'), seeking declaration of his title and restoration of possession over the disputed land.

Learned counsel, appearing on behalf of the petitioner, has argued that, in any view of the matter, in the light of the decision of this Court in case of **Maheshwar Mandal**, as reported in **2018 (3) PLJR 1007**, the Authority under the Act, cannot determine the dispute and complex question of title and possession.

Learned counsel, appearing on behalf of private respondent, has agreed that a title suit is pending in respect of the same land.

In my view, the order of the Divisional Commissioner, Munger, being cryptic in nature, deserves to be interfered with. The order dated 11.02.2015 is accordingly set



aside.

It is, however, observed that any order passed by any Authority under the Act in the present case shall not prejudice the case of either of the parties in the title suit.

This writ application stands disposed of with the above-noted observation and direction.

(Chakradhari Sharan Singh, J)

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