

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19240 of 2014

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Asha Devi wife of Ram Babu Yadav, resident of village- Khoria, PS- Pupri,
District- Samastipur, at present residing at village- Basuki, PS- Madhwapur,
District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Land Reforms Deputy Collector, Benipatti, District- Madhubani
4. Shakuntla Devi, wife of Devendra Chaudhary, resident of village- Basuki, PS-
Madhwapur, District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Shambhu Nath Jha
For the Respondent/s	:	Mr.Sumant Kumar Singh AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 15-02-2019 An order dated 12.09.2014, passed by the Member

Administrative of the Bihar Land Tribunal, Patna in BLT Case

No. 158 of 2014 is under challenge.

2. I have heard Mr. J. S. Arora, learned Senior

Counsel, appearing on behalf of the petitioner, learned AC to

GA-2, appearing on behalf of the State, as well as learned

counsel, representing the private respondent No.4.

3. From the materials on record, it transpires that

respondent No.4 had filed an application before the Deputy

Collector Land Reforms, Benipatti, claiming her right over the

disputed plot appertaining to Khata No. 518(old) 1775 (new)



Khesra No. 3703 and 3704 (Old) and 10978 (new), area 08 dhurs.

4. The short fact of the case is that on the one hand respondent No.4, wife of Devendra Chaudhary, claims her title in respect of the said land on the basis of the registered sale deed executed by her husband on 24.10.2007, the said husband of respondent No.4, the petitioner claims has executed a sale deed in her favour which was registered on 10.01.2008. It is the case of the petitioner that the said sale deed was in fact executed on 12.10.2007 and were registered subsequently on 10.01.2008. The Deputy Collector Land Reforms, by an order dated 07.12.2011, passed in Land Dispute Case No. 94 of 2011-12, has not only allowed the application of respondent No.4, declaring her title in respect of the disputed land, he issued direction for removal of any encroachment from the said land. An appeal preferred by the petitioner also came to be dismissed. The petitioner, thereafter filed an application before the Bihar Land Tribunal, giving rise to BLT Case No. 158 of 2014, which has been dismissed by the Member Administrative by the impugned order dated 12.09.2014.

5. Mr. J.S. Arora, learned Senior counsel, appearing on behalf of the petitioner, has submitted that there being



disputed questions of title involved, the revenue authorities did not have any jurisdiction to entertain such plea, in view of clear law laid down by a Division Bench of this Court in case of ***Maheshwar Mandal Vs. State of Bihar and others*** reported in ***2018(3) PLJR 1007***.

6. Learned counsel, appearing on behalf of the contesting respondent No.4, has not been able to convince this Court that the dispute between the contesting parties does not involve the question of title.

7. In order to appreciate the controversy, I must take note of last three paragraphs of the impugned order passed by the Tribunal:-

“14. After hearing both the parties, I am of the opinion that this case also falls under the title issues, the lower court are barred from taking matters which falls under the jurisdiction of the Civil court. Both the parties are neither allottees are settles.

15. This application is not maintainable before the Bihar Land Tribunal, in view of the Division Bench decision of the Hon’ble Patna High Court, passed in CWJC No. 1091 of 2013 in the case of (Maheshwar Mandal & Anr Vrs. The State of Bihar and ors),



and reported in PJR 2014(3) 281, as this is a case, in which complicated question of title is involved.

16. Accordingly without going into the merit of the case, this application is dismissed as not maintainable. Both the parties, if so advised may agitate their grievances before the competent Civil Court.”

8. The Tribunal, noticing the Division Bench decision in case of ***Maheshwar Mandal*** (supra), has observed in paragraph 14 that the **revenue Courts** are barred from taking matters which falls under the jurisdiction of the Civil Court. In that background, instead of dismissing the case, as recorded in paragraph 16 of the impugned order, the Tribunal ought to have interfered with the orders passed by the Deputy Collector Land Reform and the Divisional Commissioner, Darbhanga.

9. The order of the Tribunal needs interference only to the extent that it has recorded the case to have been dismissed. As a matter of fact, the Tribunals/Revenue Courts have no jurisdiction in the matter involving disputed questions of title.



10. This application is allowed. The order passed by the Deputy Collector Land Reforms and the Divisional Commissioner, Darbhanga are hereby set aside. The impugned order of the Tribunal to the aforesaid extent is also set aside.

11. The party shall be at liberty to approach the civil Court of competent jurisdiction for resolution of their title dispute.

(Chakradhari Sharan Singh, J)

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