

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15213 of 2015

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Parmanand Jaiswal son of Yugal Jaiswal, resident of Old G.T. Road, Dehri Bazar, Ward No. 14, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Patna Division, Patna.
3. The Deputy Collector, Land Reforms, Dehri, Rohtas.
4. Manoj Kumar, son of Late Lakshami Prasad, resident of Old G.T. Road, Dehri Bazar, Ward No. 14, P.S.- Dehri, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Bahadur Pandey
For the Respondent/s : Mr.Geeta Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-11-2019 Heard Mr. Dronacharya, learned counsel appearing on behalf of the petitioner and learned A.C. to A.A.G.10 for the State.

Admittedly, Mr. K.P.Ramaiah who was the then Commissioner of Patna Division dismissed B.L.D.R. Appeal No.556 of 2012 by order dated 27.06.2013/03.08.2013. The petitioner filed B.L.T. Case No.470 of 2014 before the Bihar Land Tribunal, Patna.

Mr. K.P. Ramaiah by that time was appointed Member(Administrative), Bihar Land Tribunal and he heard the case in the capacity of Member(Administrative), Bihar Land Tribunal who had earlier in the capacity of Divisional



Commissioner, Patna dismissed the case of the petitioner.

Of course on the face, it appears that the case should not have been heard by the Member(Administrative), Bihar Land Tribunal, filed against his own order in the capacity of Divisional Commissioner, Patna but Mr. Dronacharya, learned counsel appearing on behalf of the petitioner seeks permission to withdraw this writ petition in view of the law laid down in the case of Maheshwar Mandal & Anr. v. The State of Bihar & Ors in which it has been held that under B.L.D.R. Act, the authority has got no jurisdiction to decide the title and possession of a party.

Prayer is allowed. Without being prejudiced in any way, this writ petition is disposed of as withdrawn with liberty to the parties to agitate the matter before the competent court for redressal of their grievance.

(Prabhat Kumar Jha, J)

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