

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10759 of 2013

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1. Most. Sarojini Devi, W/O Late Nandlal Mishra, Village- Repura Mishra Tola, P.S.- Karanja, Anchal- Kanti, District- Muzaffarpur
 2. Ramakant Mishra, S/O Late Nandlal Mishra, Village- Repura Mishra Tola, P.S.- Karanja, Anchal- Kanti, District- Muzaffarpur
 3. Shreekant Mishra, S/O Late Nandlal Mishra, Village- Repura Mishra Tola, P.S.- Karanja, Anchal- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Department of Revenue, Old Secretariat, Patna, Bihar.
2. Commissioner Tirhut Division, Muzaffarpur.
3. Deputy Collector Land Reforms (West), Muzaffarpur
4. Upendra Mishra, S/O Rajnandan Mishra, Village- Repura Mishra Tola, P.S.- Karanja, Anchal- Kanti, District- Muzaffarpur.
5. Surendra Mishra, S/O Rajnandan Mishra, Village- Repura Mishra Tola, P.S.- Karanja, Anchal- Kanti, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Sinha, Advocate Mr. Alok Chaubey, Advocate
For the State	:	Mr. Indradeo Prasad – S.C. -27 Mr. Krishna Kant Tiwari, A.C. to S.C.-27

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the parties.

2. The petitioners are seeking quashing of an order dated 13.06.2011 passed by the Deputy Collector, Land Reforms (West), Muzaffarpur, in Misc. Case No. 01 of 2010-11 and order dated 17.09.2012 passed by the Divisional Commissioner, Muzaffarpur, in B.L.D.R. Appeal Case No. 145 of 2011, mainly on the ground that the Authorities have decided the questions of title



which could not have been decided by the Revenue Authorities under Bihar Land Dispute Resolution Act, 2009.

3. On perusal of the pleadings on record and the nature of dispute between the parties as is evident from the orders under challenge, I find some substance in submissions made on behalf of the petitioners that the dispute could have been adjudicated upon only in a properly constituted civil suit before the competent court of civil jurisdiction.

4. Considering the facts and circumstances, this application is disposed of with a liberty to the parties to get the dispute adjudicated upon, by filing suit before appropriate Court.

5. It is made clear that findings recorded by the Authorities under the B.L.D.R. Act in the orders, which are impugned in the present writ application, shall not prejudice their cases before the civil court, if any suit is filed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30/11/2019
Transmission Date	N.A.

