

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7277 of 2015

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1. Shaukat Ali and Anr Son of Sheikh Mahmad Hussain,
 2. Asfaque Hussain, Son of Late Tabarak Hussain, Both are resident of village - Auraiya, P.O. P.S. - Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary Department of Revenue, Govt. of Bihar, Patna.
3. The Secretary, Department of General Administration, Govt. of Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Dy. Collector Land Reforms, Sikarahana Dhaka, District - East Champaran.
6. The Circle Officer, Dhaka, District - East Champaran.
7. The Officer Incharge, Dhaka Police Station, District - East Champaran.
8. Md. Serajul Haque,
9. Md. Reyajul Haque, Respondents No. 8 to 9 are sons of Md. Mainul Haque, resident of village - Yadopur Nanhkar, P.S. and Anchal - Dhaka, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shri Prakash Srivastava
For the Respondent/s	:	Mr. Raghib Ahsan Sr. Advocate
For the State	:	Mr. Balram Kapri

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioners, learned Senior counsel appearing on behalf of private respondent Nos. 8 and 9 and the learned counsel representing the State of Bihar.

2. The petitioners have grievance against issuance of letter dated 15.11.2014, by the Deputy Collector Land Reforms, Sikarahana Dhaka, East Champaran, addressed to the Circle Officer, Dhaka, whereby he wanted compliance of an order passed by him dated 05.07.2014 in Case No. 56 of 2013 under



Section 4 of the Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as 'the Act').

2. The petitioners had made an application under Section 4 of the Act before the Deputy Collector Land Reforms, Sikarahana Dhaka, seeking permanent injunction against the respondents herein and conformation of possession in respect of the disputed piece of land. The Deputy Collector Land Reforms after having noticed the nature of controversy disposed of the application under Section 4 of the Act with an observation that such disputed questions of title could be adjudicated by a competent Court of civil jurisdiction. It is the case of the petitioners that in the light of the observation made by the DCLR in his order dated 05.07.2014, they have filed a suit, which is still pending. In the meanwhile, it is the petitioners' case, the DCLR did not have any business to issue the said letter dated 15.11.2014 for purported compliance of his earlier order dated 05.07.2014 when there was, in fact, no such order passed by him.

3. Learned Senior Counsel appearing on behalf of respondent Nos. 8 and 9 has at the very outset submitted that they have not approached the Deputy Collector Land Reforms raising any grievance as has been mentioned in the said letter



dated 15.11.2014. He, on the other hand, contends that as a matter of fact the issuance of the said letter is handiwork of the petitioner. He has submitted that the answering respondents will have no objection if the Court observes that the said letter dated 15.11.2014 is not to be taken note of.

4. In view of the fair stand taken on behalf of Respondent Nos. 8 and 9, it is observed that the said communication dated 15.11.2014 shall not be taken note of by the respondents for any purpose whatsoever nor any finding shall prejudice the case of the parties in the Title Suit No. 56 of 2013 pending in the Court of learned Sub-Judge, Motihari, East Champaran.

5. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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