

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12387 of 2019

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Dhirendra Kumar Ishwar Son of late Umesh Ishwar Resident of Siuri, P.O. Manjhaul, P.S. Cheria Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The Deputy Collector Land Reforms, Manjhaul, District- Begusarai.
4. The Circle Officer, Cheria Bariyarpur, District- Begusarai.
5. Raj Kumari Devi, Wife of late Ram Shankar Ishwar, Resident of Village Siuri, P.S. Cheria Bariyarpur, District- Begusarai.
6. Rajiv Kumar@ Rajiv Bharti, Son of late Ram Shankar Ishwar, Resident of Village Siuri, P.S. Cheria Bariyarpur, District- Begusarai.
7. Nitish Kumar, Son of late Ram Shankar Ishwar, Resident of Village Siuri, P.S. Cheria Bariyarpur, District- Begusarai.
8. Sweety Kumari, Daughter of late Ram Shankar Ishwar, Resident of Village Siuri, P.S. Cheria Bariyarpur, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh
For the Respondent/s	:	Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-06-2019 Though this application has been listed under the heading “For office notes”, with the consent of the parties, it has been disposed of on merits.

2. Heard learned counsel for the parties.

3. In the year 2010, Land Dispute Resolution Case No. 10 of 2010 was instituted by Rama Shankar Ishwar, Sitaram Ishwar and Chitranjan Ishwar. The heirs of said Rama Shankar



Ishwar have been impleaded as respondent Nos. 5 to 8 in the present writ application. The dispute pertains to a piece of land relating to Mouza Manjhaul, Khata No. 683, Keshra No. 5524/8803. It appears from the records that there was some boundary disputes. The Deputy Collector Land Reforms, after giving the parties the opportunity of hearing, disposed of the said application by an order dated 24.10.2011 with the finding, *inter alia*, that after demarcating the land of the applicants in that case, the rest area marked as A B C and D which is mentioned in the said order admeasuring 3 bigha 11 Katha and 6 dhurs shall be treated to be a common public road for all purposes. There was some dispute raised in respect of a sale deed executed in favour of the applicants of the case before him. The Deputy Collector Land Reforms declined to go into such aspect of the matter, which could only be raised before the competent Court of civil jurisdiction.

4. One of the interveners appears to have questioned the order of the Deputy Collector Land Reforms before the Divisional Commissioner, Munger, which was disposed of on 25.04.2015 on the ground that the same was not maintainable. The petitioner filed a case before the Bihar Land Tribunal against the order of the Divisional Commissioner, Munger dated



25.04.2015 which has been dismissed by an order dated 30.08.2017, mainly on the ground that since the petitioner was not a party in the proceeding before the Divisional Commissioner, he could not maintain the application before him.

5. This is not in dispute that the petitioner himself was one of the respondents before the Deputy Collector Land Reforms in BLDR Case No. 10 of 2010, which was disposed of in the year 2011. The order which was passed was never challenged by him. The said order was rather challenged by one of the interveners by filing an appeal before the Divisional Commissioner, which was held to be not maintainable.

6. The Court fails to appreciate the circumstance in which after having accepted the order of the Deputy Collector Land Reforms, approached the Bihar Land Tribunal, Patna against the order of the Divisional Commissioner.

7. I do not approve the conduct of the petitioner in approaching the Bihar Land Tribunal, four years after the Deputy Collector Land Reforms had disposed of the case on 24.10.2011. The Tribunal, in my opinion, has rightly held the petitioner's application is not maintainable, he being not a party to the proceeding before the Divisional Commissioner, whose



order was under challenge before him.

8. This application is completely misconceived and is accordingly dismissed.

9. Nothing prevents the petitioner from approaching competent Court of civil jurisdiction to establish his title in respect of the disputed land.

(Chakradhari Sharan Singh, J)

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