

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1953 of 2019

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Narayan Pandey Late Kailashpati Pandey Resident of Village-Dhankutwa,
P.S.-Balthar, Anchal-Sikta, District-West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Land Reforms, Bihar, Patna
2. The Commissioner, Tirhut Division Muzaffarpur
3. The Deputy Collector Land Reforms, Narkatiyaganj, West Champaran.
4. Jhagaru Paswan Late Butai Paswan Resident of Village-South Dhankutwa, P.S.-Balthar, Anchal-Sikta, District-West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar
For the Respondent/s	:	Md. Khurshid Alam (AAG-12)
		Mr. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-02-2019 The petitioner has put to challenge an order dated 05.09.2018 passed by the Chairman, Bihar Land Tribunal, Patan in B.LT. Case No. 749 of 2015, affirming an order dated 13.05.2015 passed in B.L.D.R. Appeal No. 289 of 2013 by the Commissioner, Tirhut Division, Muzaffarpur. The Commissioner Tirhut Division, Muzaffarpur, by the said order dated 13.05.2015, has affirmed the order of the Deputy Collector Land Reforms, Narkatiyaganj in B.L.D.R. Case No. 127 of 2012, whereby an application for demarcation of a piece of land has been rejected.

The appellate court has found that since the nature of



dispute involves a question of title, jurisdiction of the authorities under the B.L.D.R. Act is barred.

Learned counsel, appearing on behalf of the petitioner, has attempted to convince this Court that there is no dispute in respect of title or possession, rather the petitioner is seeking merely demarcation of a piece of land.

The submission, which is being advanced on behalf of the petitioner is thoroughly misconceived. The demarcation, which the petitioner is seeking is apparently on his claim of his title in respect of the land, in question. The Tribunal has rightly held that since the dispute relates to a title, it is barred under the B.L.D.R. Act, in the light of Division Bench decision in case of ***Maheshwar Mandal and Another Vs. The State of Bihar and Ors.*** reported in ***2018 (3) PLJR 1007.***

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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