

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24704 of 2019

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1. Sunil Singh son of Late Geeta Singh resident of Village- Mehush, P.S. Mehush, District- Sheikhpura.
 2. Alok Kumar son of Sunil Singh resident of Village- Mehush, P.S. Mehush, District- Sheikhpura.
 3. Shree Niwas Singh son of Late Ram Bachchan Singh resident of Village- Mustafapur, P.S.- Surjgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
2. The Hon'ble Chairman, Bihar Land Tribunal, Patna.
3. The Commissioner, Munger.
4. The Deputy Collector, Land Reforms, Lakhisarai.
5. Remi Devi wife of Shilendra Kumar Resident of Village- Jamshari, P.S.- Bind, District- Nalanda.
6. Sukhdeo Pandit son of Late Sadhu Pandit resident of Village- Purnkama, P.S. and District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bishwa Nath Chaudhary
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-12-2019 Heard both sides.

The petitioners filed this writ petition to quash the order dated 13.09.2019 passed by the learned Chairman, Bihar Land Tribunal (B.L.T.) in B.L.T. case No. 117/ 2016 (Annexure-9) by which the learned Chairman set aside the order dated 04.11.2015 passed in B.L.D.R. Appeal No. 239 of 2014 (Annexure-7) as well as the order dated 04.08.2014 passed in BLDR Case No. 97/13-14 (Annexure-5).



The learned counsel for the petitioners submits that the learned Chairman, B.L.T. has committed illegality in setting aside the order dated 04.08.2014 passed by the DCLR in BLDR Case No. 97/13-14 (Annexure-5). It is further submitted that the learned Chairman has not set aside the order dated 08.04.2016 (Annexure-8) passed by the DCLR handing over possession to the petitioners but directed to restore possession of the respondents.

Admittedly, the petitioners filed petition under the BLDR Act for restraining the respondents from interfering into peaceful possession of the petitioners but the DCLR by the order dated 04.08.2014 passed in BLDR Case No. 97/13-14 dismissed the petition of the petitioners holding that respondent-Rimi Devi is in possession of the land but in Appeal, vide BLDR Appeal No. 239/ 2014, the Commissioner by order dated 04.11.2015 (Annexure-7) set aside the order of the DCLR holding that petitioners are in possession of the land as the names of the petitioners were earlier mutated. On such, the DCLR by order dated 08.04.2016 (Annexure-8) handed over possession of the land to the petitioners. The DCLR and the Commissioner have got no power to proceed in the case in view of question involving title as held by a division bench of this



court in the case of *Maheshwar Mandal & anr. v. the State of Bihar & Ors* reported in 2018 (3) PLJR 1007. The DCLR in pursuance of the order of the Commissioner took the possession of the land from the respondents and handed over the same to the petitioners. Therefore, the learned Chairman has rightly ordered for delivery of possession of the land to the respondents which was restored to the petitioners by an illegal order.

Having considered the facts aforesaid, I do not find any merit in this writ petition and the same is, accordingly, dismissed.

The petitioners, if so advised, may file suit for redressal of their grievance.

(Prabhat Kumar Jha, J)

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