

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.66 of 2016

Chitranjan Choudhary S/o late Triveni Choudhary R/o Village- Tajpur, P.s
Bhagwanpur, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Munger.
3. The DCLR ,Teghra, Begusarai.
4. Chandra Shekher Choudhary
5. Nawal Choudhary Resp no. 4 and 5 are the Both sons of late Satyanarayan Choudhary
6. Suresh Choudhary
7. Ram Sagar Choudhary Both Resp No. 6 and 7 are sons of late Khabi choudhary
8. Dinesh Choudhary S/oN Nathuni Choudhary
9. Chandrawansh Choudhary S/o Triveni Choudhary Res No 4 to 9 are R/o Village Teghra, P.s Bhagwanpur, PO Tajpur, District Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Advocate
For the State : Mr. Nilotpal Sharma, AC to GP 21

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioner and learned AC
to GP 21 for the State.

2. The petitioner has moved the Court for the following
reliefs:

*“(i) Quashing the part of the order dated 12.10.2015 by
Mr. K.P. Ramaiah member Administrative, Bihar Land
Tribunal, Patna in BLT Case No.313/2014 by which the
order dated 18.12.2013 passed by Divisional
Commissioner, Munger passed in Land Dispute
Resolution Appeal No.21/2013 was set aside.*

And



(ii) For any other relief or reliefs which the petitioner is found entitled to.”

3. Learned counsel for the petitioner submitted that the Commissioner, Munger Division, in LDR Appeal No. 21 of 2013 filed by the respondents no. 4 to 7 by order dated 18.12.2013, had set aside the order passed by the DCLR, Teghra in Land Dispute Redresal Case No. 29 of 2012-13 dated 28.12.2012 and it was observed that the parties were at liberty to move before the competent Civil Court as the issue involved determination of right and title. It was submitted that the respondents no. 4 to 7 filed BLT Case No. 313 of 2014 before the Bihar Land Tribunal, Patna (hereinafter referred to as the ‘Tribunal’) which was allowed by order dated 12.10.2015 in a peculiar manner. It was submitted that not only the order of the DCLR dated 28.12.2012 was set aside but the order of the Divisional Commissioner dated 18.12.2013 also was set aside with the same observation that the parties were at liberty to get the dispute resolved by approaching the competent Civil Court. It was submitted that the order is without application of mind as after setting aside the order dated 28.12.2012 of the DCLR, the Commissioner, Munger Division had passed the same order and had also observed in the same terms and, thus, the Tribunal has passed the same order which the Commissioner had passed but erroneously has also set aside the order passed by the Commissioner in Land Dispute Resolution Appeal No. 21 of 2013.



4. Having considered the matter, the Court would only observe that ultimately the order which was passed by the Commissioner was setting aside of the order dated 28.12.2012 passed by the DCLR, Teghra in Land Dispute Resolution Appeal No. 21 of 2013 by observing that the parties were at liberty to get their dispute resolved by approaching the competent Civil Court.

5. Thereafter, the Tribunal also passing almost identical order by giving liberty to the parties to get their dispute resolved by approaching the competent Civil Court, has also quashed the order of the Commissioner, the same in no way prejudices the interest of the petitioner, inasmuch as, instead of the order of the Commissioner giving liberty to the parties to approach the Civil Court, it shall now be the liberty in terms of the order of the Tribunal. Thus, now the order being in the same terms, though of the Tribunal, which has the same effect on the litigation, in the considered opinion of the Court, is not required to be interfered with as it would serve no purpose.

6. In view thereof, the writ petition stands disposed off in light of the discussions made hereinabove.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

