

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.354 of 2019

In

Civil Writ Jurisdiction Case No.1953 of 2019

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

... .. Appellant/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, Narkatlyaganj, West Champaran.
4. Jhagaru Pawan, Son of 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 Appellant/s : Mr.Manoj Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 04-02-2021

Heard the parties.

Being aggrieved by judgment and order dated 04.02.2019 passed in C.W.J.C. No. 1953 of 2019 passed by learned Single Judge dismissing the writ petition appellant/petitioner has preferred this LPA.

Briefly stated, the facts of the case is that petitioner had filed an application under Section 4 (G) and (H) under Bihar Land Dispute Redressal Act for demarcation of his land



appertaining to Khata No. 393, Plot No. 2355 measuring 5 Katha 19 dhoors and Khata No. 394, Plot No. 2034 measuring 4 Katha situated in village Dhankutwas, P.S. Balthar, Narkatiaganj District- West Champaran which was rejected by D.C.L.R. Narkatiaganj, West Champaran by his order dated 12.02.2013 as the land has been recorded as Gairmazarua Malik and court of D.C.L.R. cannot declare title over such lands and in garb of demarcation case appellant/petitioner wants his title to be declared over disputed land.

Appellant/petitioner preferred appeal before the Commissioner, Tirhut Division, Muzaffarpur, which was dismissed by order dated 26.02.2015 passed in B.L.D.R. Appeal No. 289/13 against which appellant/petitioner approached Bihar Land Tribunal, Patna in B.L.T. Case No. 749 of 2015 which was dismissed on 05.09.2018 on the ground that in view of nature of dispute involving question of title, the jurisdiction under the B.L.D.R Act stand ousted in view of law laid down by Hon'ble Patna High Court by order dated 31.07.2018 passed in C.W.J.C. No. 1091 of 2013 (Maheshwar Mandal Vs. State of Bihar) and granted liberty to appellant/petitioner to approach the competent civil court for establishing his right, title and interest over the land in dispute.



Appellant/petitioner filed writ petition being C.W.J.C. No. 1953 of 2018 against the order dated 05.09.2018 passed by learned Bihar Land Tribunal, Patna in B.L.T. Case No. 749 of 2015 which was dismissed by the learned Single Judge and judgment and order passed by the B.L.T. was affirmed.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court, accordingly this L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

