

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12 of 2018

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Rajiv Kumar Chourasia @ Rajiv Kumar

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rabindra Nath Tiwari, Advocate
	:	Mr. Madhav Roy, Advocate
	:	Mr. Rakesh Kumar Jha, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy- Gp18

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 21-09-2022 Heard the parties.

It has been submitted by the learned counsel for the petitioner that the order dated 18.01.2012/02.02.2012 passed by the D.C.L.R. Sikrahana, Dhaka, East Champaran (for short 'DCLR') is illegal as the relief which has been granted to the private respondents was never asked for by the private respondents.

Learned counsel for the private respondents also submits that the aforementioned order is illegal and he further submits that the matter be remitted back to the DCLR for taking a fresh decision.

Considered the submission of the parties.

The original order of the DCLR and the subsequent order in appeal i.e. Appeal No. 98 of 2012 passed on 03.05.2016



and order of the BLT dated 28.02.2017 passed in BLT Case No. 718 of 2016 are, hereby, set aside.

The learned counsel for the private respondents has submitted that the matter be remitted back to the DCLR.

This litigation is continuing since long. Initially a title suit was filed and the same was withdrawn by the petitioner with liberty to file a case before the DCLR. The case before the DCLR was filed which has been dealt above.

Though, it is a long going litigation and it will be in the interest of justice that the parties are directed to move to Civil Court for declaration of the right, title and interest instead of remanding the matter back to the DCLR and ancillary reliefs.

With the aforesaid observation and direction this application is disposed of.

(Sandeep Kumar, J)

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