

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3524 of 2023

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1. Ram Pragas Rai S/o Late Kuldip Roy, Resident of Village - Basti Sarkin, Post - Goraul, District - Vaishali.
 2. Bashisht Roy, S/o Ram Pragas Roy, Resident of Village - Basti Sarkin, Post - Goraul, District - Vaishali.
 3. Mithlesh Roy S/o Ram Pragas Roy, Resident of Village - Basti Sarkin, Post - Goraul, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Collector Cum District Magistrate, Vaishali.
3. The Additional Collector, Vaishali.
4. The Deputy Collector Land Reforms, Mahua, District - Vaishali.
5. The Circle Officer, Chehrakala, District - Vaishali.
6. Ramrati Devi, W/o Late Ram Ekbal Roy, Resident of Village - Basti Sarsikan, P.S. - Goraul, Anchal - Chehrakala, District - Vaishali.
7. Sarmila Devi w/o Sheilendra Roy, Resident of Village - Basti Sarsikan, P.S. - Goraul, Anchal - Chehrakala, District - Vaishali.
8. Jodhi Lal Roy, S/o Late Jamun Roy, Resident of Village - Basti Sarsikan, P.S. - Goraul, District - Vaishali.
9. Sukhdeo Roy, S/o Late Jamun Roy, Resident of Village - Basti Sarsikan, P.S. - Goraul, District - Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Birendra Prasad Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 26-07-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The present writ petition has been challenged for
quashing the ex-parte order dated 17.12.2012 passed by Deputy
Collector Land Reforms, Mahua in Land Dispute Resolution
Case No. 177 of 2012-13 whereby declaration of share of the
parties at litigation has been decided.

3. Learned counsel for the petitioners submits that decision on the partition is without jurisdiction and therefore, they directly filed the writ petition, instead of filing the appeal.

4. Learned counsel for the State submits that against the order of Deputy Collector Land Reforms, statutory appeal lies before the Divisional Commissioner.

5. Upon hearing the argument and going through the position of law, it is made clear that the present dispute is between the petitioners and private respondent who are co-parcener and under Section 4(1)(e) of the act it is well within the power of Bihar Land Dispute Resolution Act, 2009 [Bihar Act 4, 2010] that the question of partition in the form of *fatbandi* can be decided and in this view of the matter, this Court dismissed this writ petition directing the petitioners to avail their remedy before the statutory appellate forum.

6. Delay, if any, in filing the appeal is hereby condoned.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.07.2023
Transmission Date	N.A.