

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17564 of 2014

Ranjan Sahni and Ors.

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Adv.

For the Respondent/s : Mr. Uday Prasad, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 27-06-2023

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

2. The present writ petition has been filed for the following reliefs which are as follows:-

(i) for setting aside the order dated 05.11.2012 passed in Land Dispute Case No.327 of 2012-13 by Deputy Collector Land Reforms, Darbhanga.

(ii) the order dated 10.03.2014 passed by the Commissioner, Darbhanga Division, Darbhanga in Bihar Land Dispute Resolution Appeal Case No.460 of 2012-13 and also for setting aside the order dated 05.09.2014 passed by B.L.T., Patna in B.L.T. Case No. 435 of 2014.

3. Counsel for petitioner submits that before Bihar Land Dispute Resolution, no notice has been issued against him and matter has been decided without hearing him on merit as

such it requires interference. He submits that his said plea was neither considered by the Appellate Court nor Revisional Court.

4. Counsel for State submits that from the orders passed by the court below, it transpires that the present respondents had filed Bihar Land Dispute Resolution Case No.327 of 2012-13 in which he has claimed 11 dhur land appertaining to C.S. Plot No. 665 and 666, Municipal Plot No.30510 and 30520 in his ancestor property. He submits that some part of the said land was provided to the present petitioner on the request of his father temporarily and with a view to grab the said land, the petitioner had filed a Title Suit No. 182 of 2003 claiming his title on the said land. In the said title suit, the petitioner had lost thereafter, the petitioner had preferred Title Appeal No.04 of 2011. He also lost in title appeal. In the said title appeal, vide decision dated 09.04.2012, thereafter, the DCLR has passed the mutation order in favour of the private respondent against which land appeal Bihar Land Dispute Resolution Appeal Case No. 460 of 2012-13 has also been filed by the petitioners against the present respondent. In the said appeal also, he lost. Upon acknowledgement of both the decision taken in the title suit i.e. in Title Suit No. 182 of 2003 and Title Appeal No. 04 of 2011. Before BLT. this case was

again dismissed on the basis of decision of Division Bench vide order dated 31.07.2018 passed in C.W.J.C. No. 1091 of 2013 in Maheshwar Mandal and Anr. Vs. State of Bihar & Ors. in which it has been held that Section 4(4) of the Bihar Land Dispute Resolution Act, 2009 is arbitrary and unconstitutional.

5. Upon going through the pleading and hearing the argument of both the parties and the judgments acknowledged in the order of BLT, it transpires to this Court that the petitioner has lost his title on the said land in Title Suit No. 182 of 2003 and the said decision of title suit has been affirmed in appeal bearing Title Appeal no. 04 of 2011 dated 09.04.2012 from the Court of District Judge, Darbhanga.

6. Hence, in this view of the matter that he has no title on the said land, this Court is of the view that there is no case of the petitioner as such this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	