

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14499 of 2018

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Ganauri Ram Son of Akalu Ram@ Akalu Kahar Resident of Village- Ben,
P.S. Ben, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Nalanda at Bihar Sharif.
4. The D C L R , Rajgir , Nalanda.
5. The Circle Officer, Ben, Nalanda.
6. The Superintendent of Police, Nalanda at Bihar Sharif.
7. The S H O Ben Police Station Nalanda.
8. Nikhat Ara@Leekhat Ara Wife of Manjar Sajat Resident of Village- Ben,
Post- Ben, P.S. Ben, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv
For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 13-11-2024

In the present writ petition, the petitioner has prayed
for following relief(s):-

*I. For quashing of the order dated
08.03.2016 passed by the Commissioner
Patna Devision in Land Dispute Appeal No.
33/13 whereby order dated 27.12.12 passed
by the DCLR Rajgir, Nalanda in case no.
15/2012 has been quashed on the ground that
order has been passed without jurisdiction.*

*II. For direction the Respondents
to take appropriate action for restoring
peaceful possession of the petitioner over the*



raiyati land pertaining to Mauza Ben, Plot No. 670, Khesra No.-3268 area 22 decimal plot no. 666, Khesra no. 3269 area 22 decimal under Ben Block, Nalanda.

III. For other order or direction in favour of the petition in the interest of justice and ends of justice in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that the land appertaining to Khata no. 670, Khesra No. 3268 area 22 decimals and the land appertaining to Khata no. 666, Khesra no. 3269, area 22 decimals both situated in Mauza Ben, Block-Ben, District- Nalanda belong to the petitioner, Learend counsel submits that in the year 2012, all of a sudden, but private respondent no. 8 started disturbing the peaceful possession of the petitioner. Thereafter, petitioner filed a petition bearing Case No. 15 of 2012 before the DCLR, Rajgir, Nalada who vide order dated 27.12.2012 held that petitioner has title over the land in question. Against the order dated 27.12.2012, the private respondent filed Land Dispute Appeal No. 33 of 2013 before the Divisional Commissioner, Patna. The Divisional Commissioner, Patna vide order dated 08.03.2016 quashed the order of DCLR dated 27.12.2012. Petitioner is aggrieved by the order dated 08.03.2016 passed by Commissioner, Patna Division in Land Dispute Appeal No. 33/13.



3. Learned counsel for the State has submitted that against the order passed by the Divisional Commissioner, Patna petitioner has not approached the Bihar Land Tribunal under section 9 of the Bihar Land Tribunal Act. Learned counsel submits that without approaching the concerned forum/authority petitioner has directly rushed to this Court in its writ jurisdiction, and on that score, the present writ petition is not maintainable.

4. In the light of the aforesaid facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition stands disposed of with liberty to the petitioner to approach the appropriate forum within six weeks from the date of receipt of this order.

5. It is needless to say that the time which has been consumed in pursuing the matter before this Court be considered sympathetically while considering the aspect of condonation of delay.

(Alok Kumar Pandey, J)

M.C. Verma/
Amandeep

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.11.2024.
Transmission Date	NA

