

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10341 of 2023

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Jay Prakash Narayan Bharti @ Jayprakash Bharti Son of Late Surya Narayan Panjiyar, Resident of Village and Post and P.S.-Khutauna, District-Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar at Patna.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Madhubani.
4. The Deputy Collector Land Reforms (DCLR), Phulparas, Madhubani.
5. The Circle Officer, Khutauna, Madhubani.
6. Raj Kumar Shah, S/o Late Kailu Shah, Resident of Village-Khutauna Bazar, P.s.-Khutauna, District-Madhubani, Bihar.
7. Manish Kumar S/o Raj Kumar Shah, Resident of Village-Khutauna Bazar, P.s.-Khutauna, District-Madhubani, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Preety Kunwar, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr. Manoj Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2024 Heard Ms. Preety Kunwar, learned counsel for the

petitioner and the State.

2. The petitioner has prayed for the following reliefs:

*(i) the decision of the learned
D.C.L.R. Phulparas, Madhubani,
contained in Letter No. 1112 dated
26.07.2022, whereby he has
decided, not to execute his own
order dated 30-04-2022 passed in*



*B.L.D. Case No. 33/2021-22,
whereby the application of the
petitioner was allowed and the
Circle Officer, Khutauna,
Madhubani was directed to measure
the land in question and hand over
the possession of the land to the
petitioner, may be declared as bad
in law and it may be set aside;*

*(ii) this Hon'ble Court may further
be please to direct the learned
D.C.L.R. Phulparas, Madhubani
and the Circle Officer, Khutauna,
Madhubani to hand over the
possession of the land in question
immediately to the petitioner;*

*(iii) pass such other order/orders as
this Hon'ble Court may deem fit and
proper.*

3. Learned counsel for the petitioner has taken this
Court to the order passed by the Deputy Collector, Land
Reforms, Phulparas on 30.4.2022 in Miscellaneous Case No.



33/21-22 (Jai Prakash Narayan Bharti Vs. Raj Kumar Sah & Anr.) and submits that the same was allowed with direction to the Circle Officer, Khutauna to measure the land of the petitioner and to prohibit the respondents herein. From approaching the said land, she submits that subsequently the respondents challenged the order under section 14 of the BLDR that in 2009, the Court of Commissioner, Darbhanga Division, Darbhanga vide LDA No. 14 of 2022 in which there was no prayer for stay of the order still the DCLR upon knowledge about the filing of the said appeal No. 14 of 2022 stayed its own order vide letter no. 111 dated 26.7.2022 (Annexure-1 to the petition). She as such submits that the same is fit to be set aside, as till date, the Court of Commissioner has not stayed the order.

4. Learned State Counsel points out that an appeal has already been preferred by the Commissioner and in that background, the petitioner should have diligently appear and contest the matter instead of invoking the writ jurisdiction.

5. This Court is in agreement with the submission put forward by the State Counsel, the petitioner should have appeared before the Court of Commissioner in Appeal no. 14 of 2022 so that the same is taken to its logical conclusion at the earliest.



6. Learned counsel for the petitioner submits that he shall be diligently appearing in the said appeal without fail but already two years lapsed and he is not getting the fruits of the order passed by the DCLR, Phulparas.

7. With the consent of the parties, the writ petition is disposed of directing the respondent no.2. the Divisional Commissioner, Darbhanga to take the Appeal No. 14 of 2022 to its logical conclusion at the earliest, if still not disposed of preferably within a period of six months from the date of receipt of the copy of the order.

(Rajiv Roy, J)

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