

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13527 of 2024

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1. Vinod Kumar Singh @ Vinod Singh Kushwaha S/o Bhagwat Prasad, Resident of Village - Kailkhud, P.S.- Badhariya, Distt.- Siwan.
 2. Dhananjay Kumar Singh, S/o Hirdyanarayan Prasad, Resident of Village - Navihata, P.S. - Badhariya, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan.
5. The Deputy Collector, Land Reforms, Siwan.
6. The Circle Officer, Badhariya, Siwan.
7. Uday Giri, Son of Late Shankar Giri Resident of Village- Kailkhurd, P.S.- Badhariya, Distt.- Siwan.
8. Guddu Giri, Son of Late Shankar Giri Resident of Village- Kailkhurd, P.S.- Badhariya, Distt.- Siwan.
9. Vijay Kumar Giri, Son of Late Shankar Giri Resident of Village- Kailkhurd, P.S.- Badhariya, Distt.- Siwan.
10. Lalan Prasad, Son of Late Raghunath Mahto, Resident of Village Kailkhud, P.S.- Badhariya, District- Siwan.
11. Prabhabati Devi, Wife of Rajendra Prasad, Resident of Village- Sawana, P.S.- Badhariya, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.S. Sundaram, Advocate Mr. Chandra Shekhar Kr. Singh, Advocate Mr. Ankit, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC 25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-09-2024 Heard Mr. Satyam Shivam Sundaram, learned

Advocate for the petitioners and Mr. Sajid Salim Khan, learned

Standing Counsel 25.



2. The petitioners are aggrieved by the order dated 27.06.2024 passed by Deputy Collector Land Reforms (hereinafter referred to as 'DCLR'), Siwan under the Bihar Land Disputes Redressal Act, 2009 in Case No. 248/23-24 whereby and whereunder the ex-parte order has been passed holding the title of the land of the petitioners in favour of private respondents with a direction to Circle Officer/ S.H.O. to ensure that the opposite parties shall not disturb the applicant.

3. At the outset, learned Advocate for the petitioners made categorical averment that against the order impugned the petitioners have also preferred an appeal before the Divisional Commissioner, Saran at Chapra on 03.08.2024, who is the Appellate Authority and the matter is pending before him.

4. Further, on being aggrieved by the Jamabandi created in favour of the opposite party, the petitioners have also moved before Additional Collector, Siwan for cancellation of Jamabandi by filing an appeal dated 05.01.2024.

5. It is also contended that in the Jamabandi Cancellation Appeal, a report has been sought for from the concerned Circle Officer; which report clearly reveals that the Jamabandi created in favour of the petitioners is still running.

6. Learned Advocate for the State has submitted that



since the petitioners have already approached before the Appellate Authority as prescribed under the Bihar Land Dispute Resolution Act, 2009 no parallel proceeding can be initiated. Moreover, there is disputed question of facts which are required to be looked into and disposed off by the statutory authority, thereafter only the petitioners may invoke the extraordinary jurisdiction of this Court.

7. Be that as it may, considering the fact that the petitioners have already preferred an appeal before the Divisional Commissioner, on being aggrieved by the impugned order, filing of the present writ petition against the same order is wholly misconceived.

8. However, considering the averments made in the writ petition showing urgency, the writ petition stands disposed off with an observation that the Divisional Commissioner, Saran at Chhapra shall look into the claim of the petitioners at the earliest and dispose of the same by passing a reasoned and speaking order in accordance with law.

(Harish Kumar, J)

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