

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14086 of 2024

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Faiyaj Ansari @ Md. Faiyaz Alam Ansari @ Faiyaz Alam @ Faiyaz Ansari,
Son of Late Abdul Ghafoor @ Gaphur Ansari, Resident of Village- Gerua,
P.S.- Amour, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Bihar, Patna.
2. The Bihar Land Tribunal Patna, through its Registrar, Patna.
3. The Additional Collector Purnia, District- Purnia.
4. The Deputy Collector Land Reforms (DCLR) Baisi, Dist.- Purnia.
5. The Circle Officer, Amour, District- Purnia.
6. Md. Shamim Ansari, Son of Late Yunus Ansari Resident of Village- Kharhiya, Ward no.- 12, P.O.- Kharhiya, P.S.- Amour, District- Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr. Satyeshwar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2024 Heard Mr. Md. Ziaul Quamar, learned Advocate for

the petitioner and Mr. Satyeshwar Prasad, learned Advocate for

the State.

2. The petitioner is aggrieved by the order dated
19.06.2024 passed by the learned Member (Judicial), Bihar
Land Tribunal, Patna in B.L.T. Case No. 221 of 2023 whereby
the learned Tribunal allowed the case of the respondent no. 6
and set aside the order dated 28.06.2022 passed by the D.C.L.R.
Baisi.

3. While assailing the order impugned learned



Advocate for the petitioner contended that against the order passed by the DCLR, the private respondent has straightway approached before the Bihar Land Tribunal (B.L.T.) ignoring the statutory remedy of revision as prescribed under Section 9 of the Bihar Land Tribunal Act, 2009. He would, thus, submit that the B.L.T. case is, in fact, not maintainable as it has not been filed against the final order in terms of Section 9 of the Act, 2009 and, as such, wholly without jurisdiction.

4. Learned Advocate for the State drew the attention of this Court to the impugned order and contended that the order impugned is an order of remand whereby the learned Bihar Land Tribunal after setting aside the order passed by the Circle Officer and the D.C.L.R., has remitted the matter to the Circle Officer, Amour, Purnea to pass fresh order, in accordance with law by making proper enquiry and ascertainment of the possession.

5. This Court has heard the learned Advocate for the respective parties and also perused the order passed by the learned Tribunal. For better appreciation it would be proper to quote the relevant extract of the final order passed by the Bihar Land Tribunal, Patna which reads as follows:

“10. In view of discussions set forth above, this Tribunal is of the



considered opinion that both the orders passed by the Circle Officer and the D.C.L.R. in compliance of order passed by this Tribunal in B.L.T. Case no. 347 of 2016 are totally unsustainable in law as such, they are hereby set aside. The matter is remitted back to the Circle Officer, Amour, Purnia to pass order afresh in compliance of directions as passed in the order dated 15.02.2019 in B.L.T. Case No. 347 of 2016 after providing ample opportunity of hearing to both parties herein and all others concerned and also after ascertainment of the physical possession of the land in question herein by making local enquiry and inspection by himself with due notice to all concerned. Both the parties herein are directed to appear before the Circle Officer on 22.07.2024 and then, the Circle Officer shall initiate the matter and conclude the matter as expeditiously as possible preferably within a period of six months. Let send the copy of this order at once to the Circle Officer concerned for information and needful action in the matter.”

6. This Court finds that by the order under question the Circle Officer, Amour has been directed to take into consideration all the records and after ascertainment of the physical possession of the land and after making local enquiry and inspection pass the final order and, as such, no reason or



occasion arises for interference in the impugned order.

7. In view thereof the writ petition stands disposed off with a liberty to the petitioner to approach before the Circle Officer and place all the facts before him, who shall consider all the materials and submissions of the petitioner before passing the final order.

8. The writ petition stands disposed off.

(Harish Kumar, J)

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