

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15126 of 2024

Niraj Kumar, Son of Balmiki Singh, resident of Ratanpur, Ward No. 21, Police Station-Town, District- Begusarai, presently residing at KH No. 108/1, 1st Floor, Ext. Near Park Gali No.16, Wazirabad, P.S.- Wazirabad, District-North Delhi-110084.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. The Deputy Collector, Land Reforms, Begusarai.
3. The Circle Officer, Begusarai.
4. Anup Kumar, S/o Rajendra Prasad Singh, R/o Ratanpur, Ward No. 21, P.S.- Nagar, Dist- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwari, Advocate
For the Respondent/s : Mr. Basant Vikash, AC to G.P.- 12

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-10-2024

Heard Mr. Saket Tiwari, learned Advocate for the petitioner and Mr. Basant Vikash, learned Advocate for the State.

2. The petitioner is aggrieved by the initiation of the proceedings of Land Dispute Resolution Case No. 31 of 2024-25 by the Deputy Collector Land Reforms, Begusarai at the instance of private respondent no.4.

3. Learned Advocate for the petitioner contended that the land, in question, was purchased by the petitioner through registered sale deed on 22.09.2020. Having purchased the land, he came in possession thereof and mutation has also



been done and *Jamabandi* is also created in the name of the petitioner. In the meanwhile, one Lalit Kumar filed a petition for cancellation of *Jamabandi* of the petitioner vide Jamabandi Cancellation Case No. 79 of 2022, which is pending before the concerned Additional Collector. It is further contended that with respect to the land, in question, Title Suit No. 36 of 2022, is pending before the learned Sub-Judge, Begusarai, wherein the private respondent has also sought a relief for cancellation of sale deed executed in favour of the petitioner.

4. While the matters, aforementioned, have been pending before the competent authorities, in the meantime, the respondent no.4 approached before the learned Deputy Collector Land Reforms (hereinafter referred to as 'the DCLR') by filing Bihar Land Dispute Resolution Case No. 31 of 2024-25; and the learned DCLR has admitted the aforesaid case and issued notice to the petitioner. The entire proceeding arising out of Bihar Land Dispute Resolution Case No. 31 of 2024-25 is wholly without jurisdiction, as with regard to the land, in question, a Title Suit is pending consideration before the civil court of competent jurisdiction, is the contention of the learned Advocate.

5. On the other hand, learned Advocate for the State contended that if the petitioner has any grievance with regard to the maintainability of the Bihar Land Dispute Resolution Case



No. 31 of 2024-25, he has the remedy to approach before the learned DCLR and bring the entire facts.

6. Considering the nature of the grievance and the contentions advanced on behalf of the parties, this Court deems it fit and proper to dispose of writ petition with a liberty to the petitioner to approach before the learned DCLR, Begusarai and bring the entire facts, including the factum of pendency of the title suit as also the law, on which he is basing his claim.

7. Suffice it to say that if the petitioner approaches before the learned DCLR, Begusarai preferably within a period of four weeks from today, the respondent DCLR, Begusarai shall decide the objection of the petitioner as preliminary objection with regard to the maintainability of Bihar Land Dispute Resolution Case No. 31 of 2024-25 within a further period of eight weeks, before proceeding any further in the matter.

8. The writ petition stands disposed off.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.10.2024
Transmission Date	NA

