

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8480 of 2018**

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Narwada Pandey @ Narbada Pandey, S/o Late Bigu Pandey, Resident of  
Village P.O. Baliwan Sagar, P.S.-Vishambharpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through it's Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Chairman, Bihar Rajya Bhoodan Yadaya Committee, Anishabad, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The Collector, Gopalganj.
5. The Karyalaya Mantri, District-Bhoodan Yagya Committee, Gopalganj.
6. The Land Reforms Deputy Collector, Gopalganj.
7. Asgar Mian S/o Phul Mohammad Mian
8. Prabhunath Pandey
9. Yadunath Pandey
10. Patiram Pandey
11. Ram Pravesh Pandey
12. Ram Dhyan Pandey, All Son of Late Chhabila Pandey, Resident of Village-Balwan Sagar, P.S. Bishambharpur, District-Gopalganj

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate  
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 26-09-2024**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner by invoking the extraordinary writ  
jurisdiction of this Court under Article 226 of the Constitution  
seeks issuance of a writ of certiorari for quashing of the order



dated 16.03.2017 passed by the L.R.D.C., Gopalganj in Land Dispute Case No. 38/2012-13, whereby the afore-noted case has been dismissed for non-prosecution. The petitioner is also aggrieved by the order passed by the Divisional Commissioner, Saran Division Chapra, in B.L.D.R. Appeal No. 144 of 2013, by which the earlier order dated 24.04.2013 passed by L.R.D.C., Gopalganj in Land Dispute Case No. 38/2012-13 has been set aside and the matter was remitted back to the L.R.D.C., Gopalganj for fresh consideration in the light of observations as made by the Divisional Commissioner.

3. Learned counsel for the petitioner contended that the petitioner, a retired military personnel, in whose favour the land in question was settled by the Bhoodan Yagna Committee and thereafter Jamabandi No. 1419 was also created in his name. As the petitioner had been living in some different place, the private respondents have made some temporary construction and dispossessed him from the said land. On being aggrieved, the petitioner approached before L.R.D.C., Gopalganj in Land Dispute Case No. 38/2012-13. The L.R.D.C., Gopalganj after issuing notice to other side, finally vide order dated 24.04.2013 passed the order in favour of the petitioner and having found the private respondents in illegal possession over the disputed land, directed the opposite party to remove the encroachment made



over the land in question and handover the possession to the petitioner.

4. The private respondents assailed the afore-noted order by filing B.L.D.R. Appeal No. 144 of 2013. The Divisional Commissioner having taken note of the fact that the L.R.D.C. ought to have gone into the very fact of possession of all the settlees over the said plot before recording any finding relating to possession of the respondents and the claim of settlement of all the settlees should have also been verified from the records of Bhoodan Yagna Committee vide its order dated 06.06.2016, set aside the order of L.R.D.C. dated 24.04.2013 and remitted the matter back to L.R.D.C. Gopalganj for fresh consideration in the light of the observations and direction made therein. Pursuant thereto, the petitioner, on remission of the matter, appeared before the L.R.D.C. and thus the proceeding was further initiated afresh but unfortunately on some of the dates the petitioner and others could not appear and finally the proceedings running before the L.R.D.C., Gopalganj came to be closed on account of non appearance of the parties.

5. Learned counsel for the State submitted that since the petitioner was not *bona fide* pursuing the remedy before the L.R.D.C. and he remained absent for pretty good time, the B.L.D.R. Case No. 38/2012-13 came to be rejected due to non



appearance of the parties.

6. Considering the submissions advanced on behalf of the parties and taking note of the fact that on account of setting aside the order dated 24.04.2013 passed by the L.R.D.C., Gopalganj in L.D. Case No. 38/12-13, serious prejudice has caused to the right and entitlement of the petitioner and thus in the opinion of this Court, the matter of settlement of land in favour of the petitioner is required to be finally adjudicated in order to resolve the dispute finally.

7. In view thereof, this Court set aside the order dated 16.03.2017 passed by the L.R.D.C., Gopalganj in L.D. Case No. 38/2012-13 and directed the respondent no.6, the Land Reforms Deputy Collector, Gopalganj to issue notice to the parties and after giving proper opportunity of hearing, bring the case to its logical conclusion, preferably within a period of six months from the date/receipt of a production of a copy of this order.

8. The writ petition stands allowed to the extent indicated above.

**(Harish Kumar, J)**

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| AFR/NAFR          | NA         |
| CAV DATE          | NA         |
| Uploading Date    | 28-09-2024 |
| Transmission Date |            |

