

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1849 of 2019

1. Md. Rizwan Alam @ Md. Rizwan and Ors Son of late Md. Rayeesuddin R/o Vill- Kujouri, P.S. Alamnagar, Distt. Madhepura,
2. Md. Rehan Alam Son of late Md. Rayeesuddin R/o Vill- Kujouri, P.S. Alamnagar, Distt. Madhepura,
3. Md. Rabban Alam@ Md. Rabban Son of Md. Rayeesuddin R/o Vill- Kujouri, P.S. Alamnagar, Distt. Madhepura,
4. Md. Ibran Alam@ Imran Alam son of late Md. Rayeesuddin R/o Vill- Kujouri, P.S. Alamnagar, Distt. Madhepura, presently residing at Village- Shahidganj, P.S. and District Purnea
5. Md. Rayeesh@ Rayeesh Hassan Son of late Azizur Rahman Resident of Village and Post Office- Shahidganj, P.S. Bhawanipur, Distt. Purnea
6. Md. Suleman Son of late Aziuzur Rahman Resident of Village and Post Office- Shahidganj, P.S. Bhawanipur, Distt. Purnea
7. Md. Irfan Son of late Azizur Rahman Resident of Village and Post Office- Shahidganj, P.S. Bhawanipur, Distt. Purnea
8. Md. Badi@ Lurka Son of late Azizur Rahman Resident of Village and Post Office- Shahidganj, P.S. Bhawanipur, Distt. Purnea
9. Md. Anwar Son of late Md. Abdul Gani Resident of Village and Post Office- Shahidganj, P.S. Bhawanipur, Distt. Purnea
10. Md. Umar@ Umar Faruque Son of late Md. Abdul Gani Resident of Village and Post Office- Shahidganj, P.S. Bhawanipur, Distt. Purnea
11. Md. Taha Son of late Md. Usman Gani Resident of Village- Kujouri, P.S. Alamnagar, Distt. Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through Principal Secretary Revenue and Land Reforms, Department, Bihar, Patna
2. The Director, Land and Revenue Department, Bihar, Patna
3. The District Magistrate, Purnea
4. The Deputy Collector, Land Reforms, Dhamdha, Distt. Purnea
5. Md. Nijamuddin Son of late Kamruddin Resident of Village- Chikni, P.S. Barhara Kothi, Distt. Purnea
6. Md. Azimuddin Son of late Kamruddin Resident of Village- Chikni, P.S. Barhara Kothi, Distt. Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv. Mr. Manoj Kr. Adv.
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP14 Mr. Binay Kumar Sinha, Adv.



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 10-07-2025

Heard Learned Counsel for the petitioners Learned Counsel for the State and Learned Counsel for the private respondents.

2. Learned Counsel for the petitioners submits that the present writ petition has been filed with the following reliefs:-

(i) For issuance of writ in the nature of certiorari for quashing the order dated 27.06.2018 passed by the Chairman, Bihar Land Tribunal, Patna in B.L.T. Case No. 1268 of 2015 whereby B.L.T. Case filed by the Respondent No. 5 and 6 was allowed and impugned order passed by the Deputy Collector, Land Reforms, Dhamdaha, Purnea dated 11.4.2015 in Case No. 28 of 2013-14 has been set aside and the matter has been remitted back to the Deputy Collector Land Reforms for proceeding afresh in accordance with law.

(ii) For issuance of writ in the nature of Mandamus direction to Respondents to restore the order dated 11.4.2015 passed by Deputy Collector, Land Reforms, Dhamdaha, Purnea in Case No. 28 of 2013-14 whereby he has dismissed the case filed by the Respondent No. 5 and 6 under Section 48 (E) of B.T. Act.

3. Counsel for the petitioners further submits that the order passed by the Bihar Land Tribunal, Patna is absolutely



illegal and without any basis. He further submits that the order passed by the D.C.L.R. is completely in accordance with law and need no interference.

4. Counsel for the State on the other hand submits that the said writ petition is not maintainable and the reason has already been mentioned in paragraph 5 of the B.L.T. order. He further submits that B.L.T. has only remanded back the matter to decide the same by the D.C.L.R. afresh in the light of Full Bench of this Court in case of **Dhanji Singh Vs. State of Bihar & Ors. reported in 1979 P.L.J.R. 711**. Therefore, he submits that the order passed by the B.L.T. is a reasoned and speaking order as well as in accordance with law and need no interference.

5. Counsel for the private respondents submits that the petitioners are under raiyat and order passed by the B.L.T., Patna, need no interference.

6. After hearing the parties and upon perusal of the record, it is necessary to observe the reasoning assigned by the Bihar Land Tribunal, Patna whose paragraphs 5, 6 and 7 are relevant which states as follows:-

5. After considering the submissions and perusal of the materials on record, it is evident that on the petition filed by the petitioner for the reliefs



under Section 48(E) B.T. Act, the D.C.L.R. issued notice to the opposite parties who appeared in the case thereafter. The fact has also been accepted by the opposite parties in their counter affidavit in paragraph 11 that the order has been passed by the D.C.L.R. after hearing the parties and considering the evidence produced by them. From the perusal of the impugned order also it transpires that the order has been passed by the D.C.L.R. mainly on the ground that the petitioners have failed to substantiate their claim of bataidari by cogent evidence. However the law in this regard has been laid down by the full bench of Hon'ble Patna High Court in Dhanji Singh versus the State of Bihar & Ors 1979 P.L.J.R. 711 where their lordships have concluded in identical fact the procedure adopted by the authority below in dismissing the case is not sanctioned by law.

6. This tribunal therefore holds that the impugned order passed by the D.C.L.R. dismissing the case filed by the petitioner under Section 48(E) B.T. Act cannot be legally sustained.

7. In result, this application is allowed and the impugned order passed by the D.C.L.R. dated 11.04.2015 in Case No. 28/2013-14 is hereby set aside. The matter is remitted back to the D.C.L.R. for proceeding afresh in accordance with law/rule(s).

7. After going through the reasoning, it transpires to



this Court that the finding of the BLT is completely in accordance with the Full Bench decision and the matter has not been decided on merit, rather illegality which has been done by the D.C.L.R. has been acknowledged and matter has been remanded back. It is due to this reason, this Court finds that there is no need of interference in the order dated 27.06.2018 passed by the Chairman, Bihar Land Tribunal, Patna in B.L.T. Case No. 1268 of 2015, and hence, the present writ petition is hereby dismissed.

8. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

