

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12443 of 2017

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Bharteshwar Prasad Sinha Son of Late Ram Krishna Prasad, Resident of
VillagePost Office- Tetrawa, Police Station- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna.
3. The Deputy Collector Land Reforms, Nalanda.
4. Surendra Yadav, Son of Keshwar Yadav, Resident of VillagePost Office-
Tetrawa, Police Station- Manpur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate
For the Respondent/s : Mr.S.C.Yadav-Gp15

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-07-2025 Heard the parties.

2. The instant petition has been preferred for the
following relief:-

*“For issuance of a writ in the
nature of certiorari for quashing the order
dated 23.06.2017 passed by learned
Member, Administrative in the case No.
688 of 2016 filed in the Bihar Land
Tribunal, Patna and also quash the order
dated 03.03.2016 passed by the learned
Commissioner, Patna Division, Patna in
Land Dispute Appeal No. 756 of 2014 and
also quash the order dated 14.10.2014
passed by learned DCLR, Nalanda in Land*



Dispute No. 50/2014-15 and/or for issuance of a writ/order/direction for which the petitioner may be found legally entitled to under the facts and circumstances stated herein under.”

3. It is the case of the petitioner that though the land was inherited by him, pursuant to its purchase from the grandfather of respondent no. 4, later they started creating disturbance forcing him to move from pillar to post but having failed everywhere, the writ petition.

4. From the record, it seems that the Deputy Collector Land Reforms, Bihar Sharif in Nalanda Case No. 50/2014-15 passed order on 14.10.2014 and having taken note of the fact that the dispute which is there between the petitioner and respondent no. 04, the same is within the jurisdiction of competent Civil Court and as such closed the proceeding.

5. Aggrieved, the petitioner approached the Divisional Commissioner, Patna in Land Dispute Appeal No. 756 of 2014 (Bharteshwar Prasad Sinha Vs. The State of Bihar) which vide an order dated 03.03.2016, affirmed the order of the DCLR holding that such kind of dispute can only



be adjudicated before a competent Civil Court. Still aggrieved, the petitioner moved before the Bihar Land Tribunal, Patna in B.L.T. Case No. 688 of 2016 where the prayer was again negated on 23.06.2017 .

6. Learned counsel for the petitioner submits that the successive Courts failed to take into account the fact that valid purchase was made in the year 1982 from the grandfather of the respondent no. 4, where his father was also witness but only to create disturbances he is now coming up with one after another theory.

7. Both, the learned State counsel and learned counsel representing respondent no. 4 submits that this is purely a civil dispute in which no order can be passed by the writ Court. The successive Courts were justified in passing the order directing the aggrieved party to approach the competent Civil Court.

8. Admittedly, it is a purely civil dispute there is claim/counter claim, as recorded above. Either of the parties can avail the remedy of approaching the competent Civil Court where they can also make prayer for injunction/interim protection. So far as the law and order part is concerned, learned counsel for the petitioner is well advised to approach



the Senior Police officials of the District concerned.

9. This Court does not find any error in the observation/order of the successive Court.

10. Having observed the aforesaid facts, the writ petition is disposed of. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Ankit Kumar/-

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