

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10925 of 2018

=====

Ashwani Kumar Chaudhary S/o Ramanand Chaudhary @ Ram Umed Chaudhary, resident of Village- Patouri, P.S. Moro Basuara, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Darbhanga.
2. The Bihar Land Tribunal, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Deputy Collector, Land Reforms, Darbhanga.
5. Madan Mohan Chaudhary, S/o Late Kameshwar Chaudhary. resident of Village- Patouri, P.S. Moro Basuara, District- Darbhanga.
6. Shashi Bhushan Chaudhary S/o Ram Binod Chaudhary, resident of Village- Patouri, P.S. Moro Basuara, District- Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Singh, Adv.
For the State	:	Mr. Asif Kalim, AC to AAG-12
For the Respondent No. 5	:	Mr. Baidyanath Thakur, Adv.
For the Respondent No. 6	:	Mr. Ashutosh Krishna, Adv.
		Mr. Sanjay Kumar Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 11-02-2025 Learned Counsel for the petitioner, Learned Counsel for the State, Learned Counsel for the Respondent No. 5 and Learned Counsel for the Respondent No. 6 are present.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed against the order dated 27.01.2017 passed in B.L.T. Case No. 767 of 2015 by Member Administrative of the Bihar Land Tribunal, by which the order dated 21.09.2011 passed by D.C.L.R., Darbhanga in Land Dispute Resolution Case No. 76 of 2011-12 and the order dated



12.03.2015 passed by the Commissioner, Darbhanga Division, Darbhanga in Land Dispute Case No. 98 of 2011 (Annexure-5 & Annexure- 7) have been set aside. Counsel further submits that this is a unique case in which respondent Nos. 5 & 6 are agnates. After partition, the land in dispute was allotted to respondent No. 6, who subsequently sold one decimal of it to the petitioner through a registered sale deed. However, respondent No. 5 has been opposing and creating obstacles for the petitioner. Due to the issues caused by respondent No. 5, the petitioner filed a case before the D.C.L.R. in Land Dispute Resolution Case No. 76 of 2011-12. The D.C.L.R. ruled in favor of the petitioner, ordering the restoration of possession and to get the measurement of land by the *Amin*. Against this order, respondent No. 5 filed an appeal before the Divisional Commissioner, Darbhanga in Case No. 98 of 2011-12. The Divisional Commissioner, Darbhanga, dismissed the appeal and upheld the order dated 21.09.2011 passed by the D.C.L.R., Sadar Darbhanga, in L.D.R. Case No. 76 of 2011-12. However, both these orders were subsequently set aside by the order passed by the Member Administrative of the Bihar Land Tribunal.

3. Learned Counsel for respondent No. 6 submits that



he executed a registered sale deed in favor of the petitioner, and by virtue of the said registered deed, the petitioner is entitled to possession as well as demarcation of the land.

4. On the other hand, Learned Counsel for respondent No. 5 submits that he acquired the said land through a family partition, and the petitioner is unnecessarily claiming it as his own.

5. In the light of the submissions made by the parties, this Court is of the firm view that the order passed by the D.C.L.R. in land dispute case No. 76 of 2011-12 and the order dated 12.03.2015 passed by the Commissioner, Darbhanga, in land dispute Case No. 98 of 2011 (Annexure-5 & Annexure- 7) are completely in accordance with law as the vendor (respondent No. 6) is supporting the case of the petitioner, and therefore, the finding of the Member Administrative, Bihar Land Tribunal, is absolutely unnecessary.

6. In this background, the present writ petition stands allowed and the order dated 27.01.2017 passed by Member Administrative, Bihar Land Tribunal, is hereby set aside and order dated 21.09.2011 passed by D.C.L.R., Darbhanga in Land Dispute Resolution Case No. 76 of 2011-12 and the order dated 12.03.2015 passed by the Commissioner, Darbhanga Division,



Darbhangha in Land Dispute Case No. 98 of 2011 (Annexure-5 & Annexure- 7) are hereby affirmed by this Hon'ble Court.

7. Additionally, the Court grants liberty to respondent No. 5 to file a Title Suit before a competent Civil Court for a declaration against the petitioner and respondent No. 6 if needed.

(Dr. Anshuman, J.)

Aman Kumar/-

U			
---	--	--	--

