

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3016 of 2025

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Noor Jahan Begam @ Nurajaha, Wife of Late Dr. Md. Ekbal Kamil @ Md. Ikbal, Resident of village- Chainpur Mubarakpur, P.S.-Chainpur O.P (Siswan), District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran, Chapra.
3. The Deputy Collector, Land Reform, Siwan Sadar, District- Siwan.
4. Dudh Nath Yadav, Son of Late Ramreet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
5. Tarkeshwar Yadav, Son of Late Ramreet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
6. Jitendra Yadav Son of Late Ramreet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
7. Birendra Yadav, Son of Late Ramreet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
8. Ram Ayodhya Yadav, Son of Late Ramjeet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
9. Chandrama Yadav, Son of Late Ramjeet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
10. Gama Yadav, Son of Late Ramjeet Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
11. Kamlavati Devi, Wife of Late Vishwakarma Yadav resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
12. Santosh Kumar, Son of Late Vishwakarma Yadav Minor under the guardianship of their mother namely Kamlavati Devi, resident of Village- Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
13. Dhannu Kumar, Son of Late Vishwakarma Yadav Minor under the guardianship of their mother namely Kamlavati Devi, resident of Village-



Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan,
District- Siwan.

14. Shashi Bala Kumari, Daughter of Late Vishwakarma Yadav Minor under the guardianship of their mother namely Kamlavati Devi, resident of Village-Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
15. Meenu Kumari, Daughter of Late Vishwakarma Yadav Minor under the guardianship of their mother namely Kamlavati Devi, resident of Village-Chainpur Mobarakpur, P.O.- Chainpur, P.S.- Chainpur, O.P.- Siswan, District- Siwan.
16. Gyanti Devi, W/o Late Chandrika Lal Sharma @ Bhola Sharma, R/o village-Chainpur Mobarakpur, P.S.- Chainpur O.P, Siswan, District- Siwan (Purchaser from the Noor Jahan Begam).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Lakshmi Kumari, Advocate
For the Respondent/s : Mr.Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed the present writ petition for
the following relief/s :-

“i. For setting aside the order dated 15.10.2019 passed by the Commissioner, Saran Division, Chapra in BLDR Appeal No. 128/2018 and BLDR Appeal No. 135/2018 whereby the appeals were allowed and the order dated 14.06.2018 passed by the DCLR, Siwan Sadar, Siwan in BLDR Case No. 37/2018-19 was set aside.



ii. For setting aside the judgment dated 30.10.2024 passed by Sri Ravindra Patwari, Member (Judicial), The Bihar Land Tribunal, Patna in BLT Case No. 466/2021, whereby the case has been dismissed.

iii. For any other relief/reliefs for which the petitioner may be deemed entitled to.”

3. Learned counsel for the petitioner submits that both orders have been passed in complete violation of the law. She further submits that the petitioner purchased the land from Ramjeet Yadav, the father of respondent Nos. 8 to 10 and the uncle of respondent Nos. 4 to 7. After the purchase, the BLDR case was decided in favor of the petitioner, but the BLDR appeal and subsequently the BLT case were decided against the petitioner. Learned counsel for the petitioner further submits that the title suit between the parties, bearing Title Suit No. 236 of 2009, was resolved through a compromise, and there is no pending title suit between the parties.

4. Learned counsel for the State has raised a preliminary objection and submits that the question of title adjudication is involved in the present case, as the petitioner is the purchaser of property from one brother and the heirs and legal representatives of the other brothers are in dispute with the petitioner. He further submits that the BLT has wrongly



appreciated the facts.

5. Upon going through the pleadings of the parties, this Court acknowledges the observation of BLT, which is as follows :-

“14. It is manifest herein that when Id. D.C.L.R. passed order on 14.06.2018, a Title Suit No. 451 of 2018 was pending though it was filed after filing of BLDR Case No. 37 of 2018-19 in which disputed land herein was also the subject matter of suit. Hence, Id. D.C.L.R. was not required to pass order in view of Section 4(5) of the Act, 2009 which stipulates that the Competent Authority, wherever it appears to him that the case instituted before him involves complex question of adjudication of title, he shall close the proceeding and leave it open to parties to seek remedies before the competent Civil Court. Manifestly, the nature of the land in question herein is the raiyati land of parties hence, in view of the Judgments referred above, with respect to such land, the case filed before the D.C.L.R. under the Act, 2009 was not maintainable as such the order passed by him was without jurisdiction which has been rightly set aside by Id. Commissioner in appeal.

15. In view of the discussions aforesaid, this Tribunal concludes that impugned order passed by Id. Commissioner deserves no interference and this case is thus dismissed.”

6. It transpires to this Court that, since the dispute between the parties is going on relating to adjudication of title among co-sharers, and the petitioner is the purchaser of the land from one co-sharer, this Court is not inclined to interfere with



the order dated 31.10.2024, passed by the Member (Judicial) of
the Bihar Land Tribunal, Patna, in BLT Case No. 466 of 2021.

7. As such, the writ petition is hereby dismissed.

(Dr. Anshuman, J)

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