

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3530 of 2016

1. Baso Yadav and Ors
2. Suresh Yadav both sons of Late Mittan Yadav
3. Jhakshu Yadav
4. Bilo Yadav both sons of Late Ramautar Yadav
5. Chamru Yadav Son of Late Laxmi Yadav All resident of village - Mehsouri, P.S. Muffasil Khagaria , District - Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Bihar Land Triunal, Patna through its Administrative Member
3. The Divisional Commissioner, Munger Division, Munger
4. The Deputy Collector, Land Reforms, Khagaria
5. Circle Officer, Khagaria, District - Khagaria
6. Tetri Devi Wife of Late Bodhan Pandit resident of village - Mehsouri, P.S. Muffasil Khagaria , District - Khagaria
7. Vikash Kumar Singh Son of Umesh Prasad Singh
8. Arbind Prasad Singh
9. Bijay Prasad Singh
10. Amitesh Kumar Singh All son of Late Ramesh Prasad Singh resident of village - Mehsouri, P.S. Muffasil Khagaria , District - Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dronacharya, Adv.
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner. There is no representation on behalf of the State.

2. The present writ petition has been preferred for the following relief(s):

for issuance of an appropriate writ(s)/Order(s) or direction(s) and thereby to issue a writ in nature of certiorari' and



thereby to quash the order dated 23.12.2015 passed by Dr. K.P. Ramaiah, Learned Administrative Member, Bihar Land Tribunal, Patna (in short B.L.T.) in B.L.T. Case No.308/2015 by which the learned Member allowed the application and thereby set aside the order dated 28.1.2015 passed by the learned Divisional Commissioner, Munger Division, in Land Dispute Resolution Appeal Case No. 59/2012, by which the learned Commissioner has quashed the order dated 6.2.2012 passed by the learned D.C.L.R. Khagaria in Land Dispute Resolution Case No.95/11, and he has directed that aggrieved party can move before the competent Civil Court whoever thinks it proper. In the mean time the Collector, Khagaria is directed to maintain status-quo over the disputed land.

3. The petitioners lay their claim on the disputed land which has gone in favour of the respondent nos. 6 to 10 who also claim on the land on the basis of mutation.

4. The matter traveled up to the Bihar Land Tribunal, Patna in BLT Case No. 308/2015 (Tetri Devi Vs. Baso Yadav &



Ors.) in which the Tribunal vide an order dated 23.12.2015 after taking note of the fact that the opposite parties have shown the photos of the house at the time of hearing while setting aside the different orders of the Subordinate Courts, directed the parties to resolve the dispute by approaching the Competent Civil Court.

5. Aggrieved, the present petition.

6. At the time of argument, learned counsel for the petitioners submit that they are in possession of the land and though the parties have been directed to move before the Competent Civil Court, at times, gets threatened.

7. In the opinion of the Court, if the contention is correct and the possession is threatened, the appropriate forum is to approach the Sub-Divisional Magistrate of the said area while for civil dispute, it is the Competent Civil Court. The Court has to rest its case at this point.

8. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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