

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6686 of 2015

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1. Munna Devi W/O Late Ramswaroop Ram Resident of Mohalla Ambedkar Nagar Mustafabad, Rampur, District- Gaya.
 2. Bablu Ram S/O Late Ramswaroop Ram Resident of Mohalla Ambedkar Nagar Mustafabad, Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The Commissioner, Magadh Division Gaya
2. The Collector, Gaya.
3. The Sub Divisional Officer, Gaya.
4. The Deputy Collector Land Reforms, Gaya.
5. The Circle Officer, Gaya.
6. Sita Ram Yadav S/o Late Agnu Yadav Resident of Mohalla- Mustafabad, Rampur P.S- Rampur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shantanu Kumar, Advocate
For the Respondent/s	:	Mr. Navnit Kumar, AC to GP-18
For respondent no.6	:	Mr. Sudhir Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-07-2025 Heard the parties.

2. The present petition has been preferred for the following relief/s:

(i) for issuance of a writ in the nature of certiorari or any other appropriate writ quashing the order of the court of Commissioner. Magadh Division, Gaya dated 20.03.2014 the Case of Land Dispute Appeal No 323/2013 whereby and where



under the learned court of Commissioner, Gaya has dismissed the appeal filed by the petitioners on the ground of Limitation only without going into the merits of the case and also the order passed by the learned Deputy Collector (Land Reforms), Gaya dated 18.09.2013 (Sitaram Yadav versus Munna Devi & anr), whereby and where under he has been pleased to order to demolish the house of the petitioners and deliver the possession to the private respondent against his own previous order/finding.

3. It is contention of the petitioners that there was dispute between them and respondent no.6 with regard to land in question. The respondent no.6 preferred a petition before the D.C.L.R., Sadar, Gaya which led to Land Dispute Resolution Case No. 172 of 2013-14 (**Sitaram Yadav vs. Munna Devi & Ors.**).

4. The matter relates to a piece of land in the district of Gaya (khata no. 36, kheshra no.154, area 3.75 decimals). Both the petitioners and the respondent no.6 lay claim over the said land which led to the filing of the **Miscellaneous Case No.**



42 of 2010-11 by the petitioners in the Court of learned Deputy Collector, Land Reforms, Sadar, Gaya. Taking note of the fact that the other side has failed to respond to the notice, direction was given vide an order dated 04.02.2011 to the Circle Officer, Sadar, Gaya to measure the land and ensure construction of the building of the petitioners.

5. Later, it seems that a fresh application was preferred by the respondent no.6 before the same authority (Deputy Collector, Land Reforms, Sadar, Gaya) in **Land Dispute Resolution Case No. 172 of 2013-14 (Sitaram Yadav vs. Muna Devi & Ors)** where vide an order dated 18.09.2013, it directed the revenue authority/police officials to ensure that post measurement, the building in question constructed by the petitioners is/are demolished (Annexure-4 to the petition).

6. Aggrieved, the petitioners moved before the Commissioner, Magadh Division, Gaya in **Appeal Case No. 323 of 2013** which was dismissed on the point of limitation vide an order dated 20.03.2014 whereafter, the writ petition.

7. It is contention of the petitioners that earlier an order was passed in their favour on 04.02.2011, suppressing the said fact, the respondent no.6 came out with another prayer for measurement which followed the order in question. He submits



that the same authority could not review the order.

8. Learned counsel representing the respondent no.6 on the other hand submits that earlier, he had no information about the said order as they remained unrepresented. The petitioners were disturbing him and in that background, the petition was filed in which an order has gone against the petitioners stamped by the Commissioner, Magadh Division, Gaya.

9. Learned State Counsel submits that there is/are orders in favour of both the parties, it is purely civil dispute, in that background, they should have gone before the competent Civil Court for the redressal of their respective grievance.

10. This Court has gone through the contention of the parties as also the materials on record and the two orders passed by the Deputy Collector, Land Reforms, Sadar, Gaya.

11. This Court is surprised, the prayer by the parties before the learned DCLR was/were for the measurement of the land. However, twice the office of the Deputy Collector, Land Reforms, Sadar, Gaya for the reason best known to him/her exceeded his/her jurisdiction by which reflects from the fact that:

(i) firstly, it directed the authority to



ensure that the building of the petitioners is/are constructed vide an order dated 04.02.2011;

(ii) later, vide an order dated 18.09.2023 the same authority to ensure that the building is/are demolished.

12. Clearly, the Officer signing the documents/orders dated 04.02.2011 and 18.09.2013 exceeded his/her/their respective jurisdiction. When there is real dispute between the parties, the natural recourse is/was to ensure measurement of the land in presence of both the parties and pass an appropriate order. If either party is aggrieved by the said measurement, the next step is to move before appropriate authority/Court.

13. The Deputy Collector, Land Reforms, Sadar, Gaya had no business directing either to ensure construction of building and/or to get it demolished.

14. The Court stops here itself as the matter is of the year 2011 and 2013 and thus refrains from passing any adverse order against the Officers who signed the document after issuance of notice(s) upon him/her/them.

15. Needless to add, it is purely a civil dispute and aggrieved party will have to knock the door of competent Civil



Court.

16. Since this Court has come to the conclusion that since in both the orders dated 04.02.2011 and 18.09.2013, the authority has exceeded jurisdiction, the said orders are quashed.

17. Needless to add, since the two orders have gone, the order dated 20.03.2014 of the Commissioner. Magadh Division, Gaya also goes.

18. The parties are free to approach the competent Civil Court for redressal of their grievance.

19. With the aforesaid observation, the writ petition stands disposed.

20. Pending Interlocutory Application(s), if any also stand(s) disposed of.

(Rajiv Roy, J)

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