

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7332 of 2016

=====

Md. Allauddin son of Late Wazir Miyan, resident of Village Harpur Bochha,
P.S. Bidyapatinagar, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna.
3. District Magistrate, Samastipur.
4. Deputy Collector Land Reforms, Patori, District Samastipur.
5. Circle Officer, Mohiuddin Nagar, District- Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate
For the Respondent/s : Mr. Prashant Pratap, GP-6

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 04-08-2025 Heard the parties.

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

*“(i) To issue a writ in the nature of
certiorari quashing the order dated 22.01.2015
passed by the Respondent Deputy Collector
Land Reforms (hereinafter referred of the
"DCLR"), Patori, District Samastipur, in Land
Dispute Resolution Case no 40 of 2014, whereby
and where under the DCLR has held that the title
of the disputed land belongs to the Private*



Respondent and the possession of the same should be given to him, as the same is completely illegal and void ab initio and has no "Validity in the eyes of law since the DCLR has exceeded his powers and jurisdiction and decided the title of the disputed land by adjudicating upon the rights arising outside the acts mentioned in Schedule 1 of the Bihar Land Dispute Resolution Act, 2009.

(ii) This Hon'ble Court may adjudicate and hold that the entire proceeding before the Respondent DCLR in Land Dispute Resolution Case no 40 of 2014 is illegal and void ab initio for want of jurisdiction of Respondent DCLR.

(iii) This Hon'ble Court may adjudicate and hold that the action of the Respondent DCLR in Land Dispute Resolution Case no Case no 40 of 2014, in adjudicating upon the rights which arose outside the acts mentioned in Schedule 1 of the Bihar Land Dispute Resolution act, 2009, is an act of mala fide and excessive exercise of jurisdiction by Respondent DCLR.



(iv) This Hon'ble Court may adjudicate and hold that the Respondent DCLR had no power and jurisdiction to entertain and adjudicate upon the title matter in Land Dispute Resolution Case no 40 of 2014 as the same was outside his jurisdiction.

(v) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.

(vi) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

3. Learned State counsel straight away has taken this Court to counter affidavit filed on behalf of the respondent no.4 and 5 to show that they have failed to avail the statutory appeal before the Divisional Commissioner, Darbhanga Division, Darbhanga.

4. In that background, the writ petition stands disposed of allowing the petitioner to approach the Divisional Commissioner, Darbhanga in next four weeks.



5. If such petition is preferred in next four weeks, the same shall be taken up on merit and limitation petition be allowed taking into account the fact that the matter is/was pending before this Court since the year 2016.

6. The said time has been diluted only for the period of four weeks and the petitioner is failed to approach in next four weeks, the Divisional Commissioner, Darbhanga shall be free to take up the limitation petition and pass an appropriate order.

7. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

vinayak/-

U			
---	--	--	--

