

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5885 of 2015

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Nusarat Praveen W/o Late Ilias Khan, R/o village Sanhauila, P.S. Sanhauila,
District Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, Bihar Land Tribunl, Patna.
3. The Divisional Commissioner, Division, Bhagalpur, District Bhagalpur.
4. The Deputy Collector, Land Reforms, Kahalgaon, District Bhagalpur.
5. The Circle Officer, Sanhoula, P.S. Sanhoula, District Bhagapur.
6. Bibi Rasulan, W/o Late Safiruddin,
7. Md. Jafiruddin, S/o Late Suleman
8. Sah Yunous Asarafi, S/o Late Akabari,
9. Sah Md. Taus, S/o Late Akabari, all of sl. no. 6 to 9 are resident of village-

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Adv.
For the Respondent/s : Mr. Vivek Prasad- Gp7

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-07-2025 Heard Mr. Dhananjay Kumar Gupta, learned counsel
for the petitioner and Mr. Vivek Prasad, learned GP-7.

2. The present writ petition has been preferred:

*for issuance of the nature of
certiorari for quashing the order dated
17.03.2015 passed by Chairman of the Bihar
Land Tribunal Patna in BLT Case No.
276/2014, by which allow the application,
which was filed by the private respon-dents
no.6 to 9 and set aside the order dt.
12.12.2013 passed by the Commissioner,*



Bhagalpur Division, Bhagalpur in Misc. (BLDR) Appeal No. 98/2013-14 and further quashing the order dt. 08.05.2013 passed by D.C.L.R., Kahalgaon in BLDR Case No. 300/2012-13, by which rejected the application which was filed by the petitioner and directed to Anchaladhikari, Sanhoula to enquire about the Settlement Parcha and take action according with the law of the sale deed, if any party aggrieved to file case before the Civil Court and further pleased to affirm the order dt. 12.12..2013 passed by Commissioner, Bhagalpur Division, Bhagalpur in Bhagalpur Misc. (BLDR) Appeal Case No. 98/2013-14, which was disposed of with the direction Anchaladhikari Sanhoula to visit personally on spot as whether land free from the encroachment, also directed whether petitioner and respondents are landless and they have other land and satisfy all the criteria of settlement, action may be taken to provide some other land as per the Government guideline and cancelled Jarnabandi on the basis of the parwana and further issued direction to consider the case of the petitioner on the ground, a Title Suit between the party is pending, in view of the sections 4(5) Bihar Land Reforms Law, the learned Tribunal have no jurisdiction to



*decide the complex question of the title and
and further give other legal consequential
benefit attached the petitioner.*

3. Learned counsel for the petitioner submits that it was a bona fide purchase from the land holder. Though he concede that now Title Suit No. 501 of 2014 has been preferred before a Competent Court of Bhagalpur where the matter is pending.

4. Mr. Vivek Prasad, learned GP-7 has taken this Court to paragraph 8 to show that the Tribunal has recorded that the purchase by the petitioners from a person who himself was an illegal occupant gives them no right.

5. Be that as it may, since the title suit is now pending before a Competent Civil Court, it would be appropriate that the petitioner pursue the said remedy.

6. The writ petition is accordingly disposed of with aforesaid observation.

7. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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