

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9316 of 2017

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Bhagwat Sharma Son of Late Yugal Sharma Resident of Village Bithouli,
Police Station/Aanchal Baheri, District Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Land Reforms Deputy Collector, Sadar, Darbhanga.
3. Ram Chandra Sharma Son of Late Babujee Sharma
4. Bihari Sharma Son of Bhola Sharma Both Sl. No. 3 and 4 residents of Village Bithouli, Police Station and Aanchal Baheri, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Adv.
For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard the parties.

2. The present application has been filed for:

*for quashing the order dated
13.04.2016 passed by the learned
Commissioner, Darbhanga Division,
Darbhanga in L.D.R. Appeal No. 22 of 2011
whereby and where under the learned
Commissioner while disposing of the appeal
preferred by appellant/ respondent 1st party by
an ex-parte hearing against respondent 2nd
party has been pleased to set aside the order
dated 06.06.2011 passed by the court of learned
D.C.L.R. Darbhanga by reasoned order passed
in Land Dispute Redressal Misc. Case No. 58 of
2010-2011 whereby the claim of possession of
the petitioner was allowed and had directed to
the op-1/respondent no. 3 not to interfere with
the peaceful possession of the applicant-*



petitioner over the land in question.

3. The respondent-Commissioner in its order passed in Land Dispute Redressal Misc. Appeal No. 22 of 2011 has detailed out the reason for annulling the order dated 06.06.2011 of the learned Deputy Collector Land Reforms, Darbhanga in Land Dispute Redressal Misc. Case No. 58 of 2010-11.

4. According to the said order, it is an ancestral property and relates to the family partition, though both parties are claiming the rights, they do not have the documents to support and in that background, they are/were well-advised to approach the Competent Civil Court. He has reasoned out that the DCLR, Darbhanga had no authority to decide such contentious issue.

5. This Court is in complete conformity with the order of the learned Commissioner, Darbhanga Division, Darbhanga. In case of such family dispute relating to ancestral land, the right approach is to move before the Competent Civil Court. Instead, an order was taken from the DCLR, Darbhanga, which was rightly annulled by the order in question.

6. No ground for interference is made out, dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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