

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18433 of 2025

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Umesh Paswan Son of Rijhan Paswan resident of Ward No.- 8, Village - Pachmahala, P.O.- Jalalpur, Jalalpur Nauranga, P.S.- Pachmahala, District- Patna, Pin - 80332.

... .. Petitioner/s

Versus

1. The State of Bihar through The Divisional Commissioner, Patna.
2. The Divisional Commissioner, Patna.
3. The Deputy Collector Land Reforms, Barh, Patna.
4. The Circle Officer, Mokama, Patna.
5. Smt. Fulva Devi, Wife of Dev Paswan, aged about not known, Resident of Village- Sarangnpur, P.O.- Nauranga Jalalpur, P.S. - Maranchi, District- Patna, Pin - 803301.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukund Kumar, Advocate
		Ms. Maria Nazir, Advocate
For the Respondent/s	:	Mr. Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-11-2025 The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following relief(s):-

“ a) For issuance of a writ in the nature of Certiorari for setting aside the order passed by the Divisional Commissioner, Patna in Land Dispute Appeal No 1041/2024-25 dated 22.07.2025 affirming the order passed by The Deputy Collector Land Reforms, Barh, Patna in Land Dispute Resolution Case No 08 of 2023-24.

b) For issuance of a writ in the nature of Mandamus restraining the respondent authorities from



taking/transferring any forceful possession from the petitioner and handing it over to the private respondent no 4.

c) For issuance of a direction to the respondent authorities not to interfere with the peaceful possession of the petitioner who is residing there along with his family since more than 3 decades by constructing of an Indira Avas over the property.

d) For any other relief or relief as to which the petitioner is found entitled to in the facts and circumstances of this case.”

2. Mr. Mukund Kumar, learned counsel appearing for the petitioner and learned GP-14 for the State-respondents are present and they are heard.

3. The petitioner has challenged the order dated 22.07.2025 passed by the Divisional Commissioner, Patna (Respondent No. 2) in Land Dispute Appeal No. 1041/2024-25, affirming the order passed by the Deputy Collector Land Reforms, Barh, Patna (hereinafter referred to as 'DCLR, Barh, Patna') in Land Dispute Resolution Case No. 08 of 2023-24.

4. Learned counsel appearing for the petitioner submits that the DCLR, Barh, Patna (Respondent No. 3) passed the order dated 10.08.2024, which was impugned before the



Divisional Commissioner, Patna, without having jurisdiction, as he took into account the question of title relating to the land in question, upon which both parties based their claim, and the petitioner's longstanding possession over the land in question was completely ignored. The order of the DCLR, Barh, Patna (Respondent No. 3) was affirmed by the Divisional Commissioner, Patna (Respondent No. 2) by passing the impugned order dated 22.07.2025.

5. On the other hand, learned counsel appearing for the State-respondents submits that from a bare perusal of the orders of the DCLR, Barh, Patna, as well as of the Divisional Commissioner, Patna, it is clearly evident that no finding with regard to the title of either of the parties has been given, and only the sale deed which is said to have been executed in favour of Respondent No. 5 was taken into account while restraining the petitioner from interfering with the peaceful possession of Respondent No. 5. Such a direction cannot be deemed to be without jurisdiction, therefore, the petitioner is not entitled to come before this Court directly without availing the efficacious remedy available under the Bihar Land Tribunal Act.

6. This Court finds substance in the aforesaid submissions made by learned counsel for the State-respondents,



as the petitioner has an efficacious alternative remedy for redressing his grievance, and the same should have been availed by him.

7. Accordingly, the instant writ petition stands disposed of with giving a liberty to the petitioner to approach the Bihar Land Tribunal by filing an application/case under the provisions of the BLT Act for redressing his grievance as well as for challenging the impugned order passed by the Divisional Commissioner, Patna.

8. If the petitioner avails this liberty within four weeks from today, then the time spent by the petitioner in this writ petition shall be excluded while computing the necessary limitation period in respect of the case which is to be filed by him before the Bihar Land Tribunal.

(Shailendra Singh, J)

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