

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2 of 2025

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1. Rupdhan Dubey, S/o Late Shivji Dubey resident of Village - Raghunathpur, P.O. and P.S.- Nawanagar, District - Buxar.
 2. Vikash Kumar Dube, S/o Late Ramjee Dube resident of Village - Raghunathpur, P.O. and P.S.- Nawanagar, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Bihar, Patna
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector, Buxar.
4. The Additional Collector, Buxar.
5. The Deputy Collector Land Reform, Dumraon.
6. The Circle Officer (CO), Kesath, Buxar.
7. The SHO, Navanagar Police Station, Buxar.
8. Satyendra Kumar Dubey S/o Late Rameshwar Dubey a resident of Village - Raghunathpur, P.O. and P.S.- Nawanagar, District Buxar.
9. Birendra Dubey S/o Late Radha Dubey resident of Village - Raghunathpur, P.O. and P.S.-Nawanagar, District - Buxar.
10. Sunil Kumar Dubey S/o Late Radha Dubey resident of Village - Raghunathpur, P.O. and P.S.-Nawanagar, District - Buxar.
11. Baban Dubey S/o Late Shivji Dubey resident of Village - Raghunathpur, P.O. and P.S.-Nawanagar, District - Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nitesh Kumar Mr. Binod Kumar Mr. Shailendra Kumar Sinha
For the Respondent/s	:	Mr. Abbas Haider-Standing Counsel (6)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-01-2025 1. Heard learned counsel for the petitioners and learned Standing Counsel-6 for the State.
2. The learned Standing Counsel appearing on behalf of the State submits that the writ application is not maintainable



in view of the fact that petitioners against the order of the DCLR has moved in appeal before the Divisional Commissioner and the Divisional Commissioner has stayed the order of the DCLR, but since the petitioners did not appear before the Divisional Commissioner on two consecutive dates, as such, the order of stay was vacated, but then, appeal is pending. It is next submitted that since the order of stay was vacated, hence the petitioners have rushed to this Court challenging the order passed by the DCLR when the same is pending adjudication in appeal before the Commissioner, as such, the petitioners cannot pursue two parallel remedy for the same relief.

3. The learned counsel appearing on behalf of the petitioners does not dispute the said submission of the learned State counsel, but then, submits that the petitioners would be satisfied, in the event, if the writ application is disposed of with a direction to the Divisional Commissioner to adjudicate the appeal within a time frame.

4. The learned counsel for the State also does not dispute to the said submission of the learned counsel appearing on behalf of the petitioners.

5. The learned counsel for the petitioners submits that petitioners have filed Land Dispute Appeal No.170 of 2024



before the Divisional Commissioner, Patna against the order dated 22.04.2024 passed in Land Dispute Resolution Case No.96 of 2023-24 passed by the DCLR. It is next submitted that appeal before the Commissioner is pending.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Divisional Commissioner, Patna Division, Patna to dispose of the Land Dispute Appeal No.170 of 2024 within a period of three months from the date of receipt/ production of a copy of this order.

(Satyavrat Verma, J)

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