

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2078 of 2017

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Ishwar Lal Prasad Son of Late Gopal Sah, Resident of Village-Bhelahi,
Anchal-Raxaul, Police Station-Palanwa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Member, Administrative, the Bihar Land Tribunal, Patna
3. THE Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate-cum-Collector, East Champaran at Motihari.
5. The Deputy Collector Land Land Reforms, Razaul, District-East Champaran.
6. The Sub-Divisional Officer, Raxaul, District-East Champaran.
7. The Circle Officer, Razaul, District-East Champaran.
8. Panna Lal Patel,
9. Mohan Bagan, Both Son's of late Chulhai Boss.
10. Binay Kumar patel,
11. Ajay Kumar Patel,
12. Kunal Patel,
13. Sanyal Kumar Patel,
14. Rup Lal Patel, 10 to 14 Son's of Nohan Bagan, 8 to 14 are Resident of Village-Bhelahi, Anchal-Razaul, Police Station-Palanwa, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate
For the Respondent/s : Mr. Sajid Salim Khan- SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2026 Heard Mr. Bashishtha Narayan Mishra, learned counsel
for the petitioner and the State.

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

“for issuance of a writ in the nature of



certiorari or any other appropriate writ or writs for quashing the order dated 14.09.2016 passed by Shri K.P. Ramaiah, the Member Administrative, the Bihar Land Tribunal, Patna in B.L.T. Case No.246 of 2015 vide which he has dismissed the B.L.T. Case No. 246 of 2015 filed by the petitioner against the order dated 06.01.2015 passed by the Commissioner, Tirhut Division, Muzaffarpur in B.L.D.R. Appeal Case No. 156 of 2011 and further for quashing the order dated 06.01.2015 passed by the learned Commissioner, Tirhut Division, Muzaffarpur in B.L.D.R. Appeal Case No.156 of 2011, who affirmed the order dated 11.07.2011 passed by the learned Deputy Collector, Land Reforms, Raxaul, District-East Champaran in B.L.D.R. Case No.27 of 2011-12 and also for quashing the order 11.07.2011 passed by the learned Deputy Collector, Land Reforms, Raxaul, District-East Champaran in B.L.D.R. Case No.27 of 2011-12 vide which he has dismissed the petition filed by the petitioner vide which a prayer for demarcation of the land appertaining to Khata No.08, Khesra No.2579 situated in village Bhelahi as well as for restraining the opposite parties (respondent no.8 to 14) from



forcibly taking possession over the disputed land.

AND

Further for directing the respondent no.5 for getting demarcated the land in question or for demarcating the land of the petitioner as well as the land of the respondent no.8 to 14 for resolving the permanent dispute between the parties through a Survey Knowing Pleader Commissioner according to the map contained in Annexure-4 to this writ application.

And/Or

For passing such other order or orders for which the petitioner will be found entitled in the eye of law.”

3. Learned counsel for the petitioner submits there was a dispute with the private respondent after he was constructing the building. The proceeding under Section 144 of the Cr.P.C. took place and decided in favour of respondent no. 8, Panna Lal Patel. Thereafter, he just wanted demarcation/measurement of his land vis a vis Panna Lal Patel which was rejected by successive Court up to the Bihar Land Tribunal, Patna in B.L.T. Case No. 246 of 2015 (Ishwar Lal Prasad vs. State & Ors.).

4. Learned State counsel on the other hand submits that



as pointed out by the learned counsel for the petitioner, a dispute arose, it led to proceeding under Section 144 Cr.P.C., decided in favour of respondent no. 8. The natural course of action of the petitioner thereafter should have been before a competent Civil Court. Instead, he took a different route.

5. This Court is in agreement with the submission put forward by the learned State counsel. The petitioner instead of wasting the time should have approached the competent Civil Court so that the matter is adjudicated and to be accepted by all.

6. At this stage, learned counsel for the petitioner submits that he shall be taking the Civil Court route for the redressal of the grievance.

7. Granting said liberty and if such petition is preferred it is expected that the same will be taken to its logical conclusion in accordance with law, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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