

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2111 of 2017

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Rajoo Yadav son of Late Kishun Lal Yadav resident of village - Basantpur Tola, Kharhaiya Basti, P.S. Araria, District - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Purnea Division, Purnea.
3. The Deputy Collector Land Reforms, Araria.
4. Parmanand Yadav Son of Late Ganesh Lal Yadav residents of village - Basantpur Tola, Kharaiya Basti, P.S. Araria, District - Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bidhanesh Misra, Adv. Mrs. Tanuja Mishra, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Yadav-Gp15

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2026 Heard Mrs. Tanuja Mishra, learned counsel for the

petitioner and the State.

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

*(i) for quashing of the order dated
18.7.2016 passed by Learned Member
Judicial, Bihar Land Tribunal in BLT Case
No. 361/2016 whereby the order dated
31.12.2015 passed by Divisional
Commissioner, Purnea in Land Dispute
Appeal Case No. 159/2014 has been upheld.*

*(ii) For any other relief or reliefs
for which the petitioner is entitled in the eye
of law.*



3. The matter relates to a piece of land under Village-Basantpur in the District of Araria and after the petitioner filed a case under Bihar Land Dispute Resolution Act, 2009 (henceforth for short 'the Act') vide case no. 89 of 2012-13 before the learned DCLR, Araria. It got disposed of on 02.02.2013 in terms of compromise between the parties (Annexure-2 to the petition).

4. Subsequently, it seems respondent no. 4, Parmanand Yadav filed a review petition before the DCLR, Araria informing that neither he was noticed nor he preferred any compromise petition. It was rejected on 16.04.2014 on the ground that the DCLR, Araria do not have the power to review (Annexure 5 to the petition). Thereafter, the matter went up before the Divisional Commissioner, Purnea in Land Dispute Appeal Case No. 158 of 2014. It was disposed of on 31.12.2015 after hearing all the parties, the learned Commissioner, Purnea Division came to the conclusion that respondent no. 4 (appellant before the Divisional Commissioner, Purnea) is a literate person and as such, there is no reason to put in his LTI, his contention is that the compromise petition was not preferred.

5. The Commissioner also took note of the submission of the learned GP that the signatures on the agreement



paper/vakalatnama seems to be forged. In that background, annulling the order passed by the Deputy Collector Land Reforms in Case no. 95 of 2012-13, direction was given to hear the matter afresh (Annexure-6 to the petition).

6. Aggrieved, two set of cases were filed before the Bihar Land Tribunal, Patna, one by Kameshwar Yadav & ors. (B.L.T. Case No. 360 of 2016) and the second one by this petitioner (B.L.T. Case No. 361 of 2016).

7. Both the cases were heard on 18.07.2016 and the 'Tribunal' having found the order to be just and proper, chose not to interfere with it and accordingly, the same were dismissed.

8. It seems that only Rajoo Yadav (BLT Case No. 361 of 2016) has now preferred the present petition assailing the said order.

9. Learned counsel for the petitioner submits that Parmanand Yadav accepted the notice, filed a compromise petition and thereafter changed the track and as such, needs interference.

10. Learned State Counsel has taken this Court to the order passed by the learned Divisional Commissioner, Purnea to show that not only he has recorded that the respondent no. 4 is a



literate and signs the document but the notice shows that he put in his LTI. Further, the GP also made submission that the documents (the Vakalatnama/agreement papers) seems to have forged signature. In that background, he simply remitted the matter back to the DCLR, Araria for fresh adjudication after hearing all the parties. In that background, no interference is required.

11. Having heard the parties and perusing the records, this Court is in line with the submissions put forward by learned State Counsel. The learned Commissioner, Divisional Commissioner, Purnea went into the documents, was fully satisfied that Parmanand Yadav (respondent no. 4) was not noticed/heard and in that background, was justified in remitting back the matter vide an order dated 31.12.2015. It is not the case of the petitioner that he passed an order in favour of the respondent no. 4.

12. The BLT, Patna was again fully justified in taking note of the observation made by the learned Divisional Commissioner, Purnea while rejecting the claim of the petitioner as also the other sets of appellants.

13. This Court do not deem it proper to interfere with the successive order of the learned Divisional Commissioner,



Purnea as also the BLT.

14. The petitioner is well advised to agitate the matter before the DCLR, Araria as directed by the learned Divisional Commissioner, Purnea on 31.12.2015.

15. It is expected that the DCLR, Araria shall be taking up the matter afresh and after hearing the parties, shall be passing a reasoned order without being prejudiced by any observation/order passed by the Successive Courts.

16. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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