

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4667 of 2017

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Dhrub Thakur @ Dhrub Narayan Thakur S/o Late Kunji Lal Thakur, resident of Mohalla- Maharajganj, Ward No. 13 New, 10 Old, P.S.- Madhubani, Anchal- Rahika, District- Madhubani. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Madhubani.
4. The Deputy Collector, Land Reforms, Madhubani.
5. Umesh Purvey,
6. Ganesh Purvey, Both Sons of Kamal Purve @ Narayan Purvey Sevait Sri Ram Lakshman Janki Mandir, Both Resident of Mohalla- Mahrajganj, Ward N. 10 New, 13 old, P.S. District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Respondent/s : Mr.Sajid Salim Khan-Sc25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-02-2026 Heard Mr.Ratanakar Jha, learned counsel for the petitioner and the State.

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

(i) to issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the order dated 02-09-2016, passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 266/16 by Hon'ble Judicial Member Mr. R.P.Sharma whereby and where under His Lordship was pleased to dismiss the said



case being devoid of merits;

(ii) to quash the order dated 08-09-15 passed by the learned Divisional Commissioner, Darbhanga Division, Darbhanga in Land Dispute Appeal No. 152/15 filed by the petitioner whereby and where under he has dismissed the appeal challenging the order dated 25-03-15 passed by learned D.C.L.R. Sadar, Madhubani;

(iii) to quash the order dated 25-03-15 passed by learned Deputy Collector Land Reforms, Madhubani competent authority under the Bihar Land Dispute Resolution Act, 2007 in B.L.D.R. Case No. 78/14-15 filed by private Respondents and allowed the said case in their favour with respect to a land measuring 6 dhurs 41 dhurkhi and directed the Circle Officer, Rahika to get the land demarcated and effect delivery of possession with respect to aforesaid land;

(iv) to direct the Respondents not to interfere in the peaceful possession of the petitioner



over the said land taking into the consideration that private Respondents have got no concern over the said land having no perfect right, title and interest;

(v) to any other relief/s to which the petitioner is entitled in the fact and circumstances of the case.

3. The matter relates to plot nos. 754 and 755 situated in Mohalla-Mahrajganj (Ward No.10) within town P.S. in the district of Madhubani.

4. The parties started agitating the matter when a Title Suit No. 49 of 1992 (Kamal Purvey & Ors. vs. Lakshmi Thakur & Ors) was preferred before the competent Civil Court, Madhubani vide an order dated 30.04.1996. The learned Munsif-1st, Madhubani accepted the claim of Kamal Purvey & Ors and decided the suit in their favour (Annexure-2 series to the petition).

5. Laxmi Thakur preferred Title Appeal No. 30 of 1996 (Laxmi Thakur & Ors.) which was dismissed by the learned Additional District Judge (Fast Track Court No.04), Madhubani on 22.07.2004-(Annexure-8 to the petition).

6. The record shows that thereafter, the Second



Appeal No. 326 of 2024 was preferred by the aggrieved parties which was also dismissed on 17.07.2008.

7. It seems that despite the settlement of the land in question, the final order passed in the said case relating to the land in question, Kamal Purvey & family remained aggrieved which followed their petition before the Deputy Collector, Land Reforms, Madhubani and in BLDR Case No. 78 of 2014-15 (Kamal Purvey & Ors. vs. Lakshmi Thakur & Ors). Accepting the claim on 25.03.2015, the learned DCLR, Madhubani directed the Circle Officer, Rahika to do the necessary measurement in the presence of police force and implement the orders.

8. Aggrieved, the petitioner moved before the Divisional Commissioner, Darbhanga in Dispute Appeal No. 152/15 which was dismissed on 08.09.2015.

9. Still aggrieved, the petitioner moved before the Bihar Land Tribunal, Patna (henceforth for short 'the BLT' in BLT Case No. 266 of 2016 (Dhrub Thakur vs. the State of Bihar & Ors.). 'The BLT' after going through the entire facts of the case, held that the petitioner being the part of the both these Title Suit as also the Appeal cannot escape with the judgment passed in the civil suit which is binding upon him. Accordingly,



the petition was dismissed on 02.09.2016 (Annexure-9 to the petition).

10. Aggrieved, the present petition.

11. Learned counsel for the petitioner submits that revenue authorities are not competent to decide the complex question of fact which has to be adjudicated by a competent Court.

12. Learned State counsel on the other hand counters the said version of the petitioner and submits that actually the matter already stands adjudicated by the competent Civil Court duly stamped by the Title Appeal as also the Second Appeal. In that background, the petitioner do not have any case and only to litigate further and continue with the legal journey, the present petition has been preferred.

13. Having heard the parties and perusing the records, this Court is in conformity with the submissions put forward by the learned State counsel Kamal Purvey & Ors. preferred the Title Suit No. 49 of 1992 which was allowed in their favour on 30.04.1996. Aggrieved, the Title Appeal 03 of 1996 was preferred against Kamal Purvey which as recorded above was rejected by the learned Additional District Judge, Fast Track Court No. 04, Madhubani on 22.07.2004.



14. Still aggrieved, the Second Appeal was preferred which was dismissed by the Patna High Court.

15. In that background, the family of the Kamal Purvey moved before the DCLR, Madhubani which passed an order for the measurement of the land.

16. Aggrieved, the petitioner moved before the Divisional Commissioner, Madhubani which was dismissed. Still aggrieved, the petition before 'the BLT' in BLT Case No. 266 of 2016 which again came to be dismissed.

17. The base of the entire case is the Title Suit No. 49 of 1992 which was decided against the Lakshmi Thakur and three others and in favour of the Kamal Purvey & Ors. The petitioner being opponent of Kamal Purvey, in the facts and circumstance recorded above, no relief can be extended to him. The learned State counsel has rightly submitted that it is a frivolous petition and fit to be dismissed.

18. The writ petition is dismissed. No cost.

(Rajiv Roy, J)

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