

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13949 of 2024

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Raj Aryan @ Aryan Raj Son of Late Bidhi Pratap Singh, resident of Village and P.O., P.S.-Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Commissioner, Darbhanga.
3. District Magistrate, Samastipur.
4. Sub-Divisional Officer Rosera, District Samastipur.
5. Deputy Collector Land Reveue (DCLR) Rosera, District Samastipur.
6. Circle Officer Hasanpur, District Samastipur.
7. Saroj Devi, Wife of Sri Bhagwan Prasad Singh, Resident of House No. 10 Nirala Nagar, P.o and PS-Digha, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.Government Pleader 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-02-2026 1. Heard the parties.

2. The present writ application has been filed against the order dated 06.07.2023 passed by learned D.C.L.R., Rosera in Land Dispute Resolution Case No. 12 of 2022-23 by which he has directed for measurement of the disputed property and further directed that if the petitioner is found having encroached upon the property of the respondent no. 7, steps for dispossession of the petitioner shall be taken. A Co-ordinate Bench of this Court taking note of the submission of the parties have passed interim order dated 04.08.2025 whereby the order



dated 06.07.2023 passed by D.C.L.R. in Land Dispute Resolution Case No. 12 of 2022-23 has been stayed till the writ petition is finally adjudicated by this Court.

3. The respondent no. 7 is the own Aunt of the petitioner. In a nutshell the case of the petitioner is that while the respondent no. 7 was aged about eleven years the subject land was purchased in her name by the grand father of the petitioner from joint family fund. Another piece of land was also purchased by the grand father of the petitioner in the name of petitioner's mother. The case is not plain and simple of measurement and removal of encroachment, rather the dispute between the parties involved is of right, title and possession upon joint family property.

4. The submission is that exercise of jurisdiction by the D.C.L.R., Rosera is in violation of the provisions of law inasmuch the D.C.L.R. cannot enter into the question of right, title and interest in a joint family property of the parties.

5. It has been informed by the petitioner that the petitioner has filed an Appeal before the Commissioner, Darbhanga Division , Darbhanga bearing BLDR Appeal No. 30 of 2023.

6. Considering the fact that the impugned order dated 06.07.2023 passed by the D.C.L.R., Rosera, District: Samastipur



has been challenged in the Appeal by the petitioner, accordingly this writ petition is disposed with a direction to the Commissioner, Darbhanga Division, Darbhanga to dispose the Appeal filed by the petitioner within a period of three months from the date of receipt / production of a copy of this order after giving opportunity of hearing to the petitioner as well as private respondent no. 7 or any other concerned person in accordance with law by a reasoned and speaking order.

7. It is made clear that till the BLDR Appeal No. 30 of 2023 is finally decided by the Commissioner, Darbhanga Division, the authorities of the State shall not take any action against the petitioner for his dispossession from the property in dispute.

(Anil Kumar Sinha, J)

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