

**In The Court of Commissioner, Saran Division, Chapra**  
**B.L.D.R. Appeal case No. 144/2018**

**Ajabdeo Singh & ors.**

**Vrs.**

**Deep Narayan Singh & ors.**

**ORDER**

The instant appeal petition is directed against the impugned order passed by DCLR, Siwan Sadar in B.L.D.R. case No.51/2017-18 on 27.06.2018.

The brief facts of the case are that the present petitioner Deep Narayan Singh and Sidharth Narayan Singh both resident of vill-Paltuhata filed a petition before learned DCLR, Siwan Sadar with prayer for measurement of some area of land situated in Mouza Paltuhata of Siwan district and also for giving order for construction of a boundary wall to the concerned C.O. In the said case, the present appellants were made as respondents. The learned DCLR after hearing the case finally vide order dt. 27.06.2018 directed the C.O. Barharia to get measure the disputed land in accordance with law and also to provide administrative assistance in construction of the boundary wall and accordingly disposed of the said case. Feeling aggrieved by the said order, the present appellants (o.ps before learned DCLR) have preferred the instant appeal before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellants while assailing the impugned order, submitted that the same is legally not a correct order. He further submitted that the D.C.L.R. Siwan Sadar passed order beyond jurisdiction as he has no right to pass any order in the matter under the provision of BLDR Act-2009 in which determination of complex question of right, title and interest over the raiyati land is involved. He lastly submitted that the impugned order is erroneous in law as the same is not in tune with the settled principle of law so the impugned order is fit to be set aside.

The learned counsel while opposing the arguments forwarded by the learned counsel for the appellants and supporting the impugned order, submitted that there is no illegality or irregularity in the impugned order as such the same is fit to be upheld. He also argued that the respondent while doing construction work over the said disputed land than the appellant made disturbances as such he prayed for measurement of the land and the learned Court below has passed a very legal order after taking a practical approach to resolve the dispute. As such the impugned order is fit to be upheld. He also submitted that even competent Civil Courts have also passed order in his favour as such the learned DCLR has passed a valid order and the same can not be interfered with and this appeal case is fit to be dismissed.

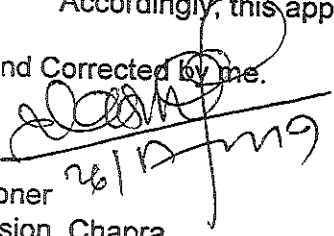
Considering the facts and circumstances of the case, material available on records, pleading advanced by the learned counsel for the parties and on perusal of the impugned order, it appears that the dispute between the parties relates to private land. It also appears that the dispute between the parties relates to their respective possession over some area of the disputed land. Non of the parties are either allottee or settle. In view of the recent

judgement of Hon'ble High Court in the case of *Maheshwar Mandal & ors Vrs The State of Bihar & ors.* the case brought before learned DCLR was not maintainable as the dispute was not related with implementation of any order passed earlier in any of the six acts mentioned in schedule-1 of the BLDR Act-2009. As such the learned DCLR was not competent to deal with such kind of dispute.

For the aforementioned reasons, the impugned order of learned DCLR is not sustainable and hence the same is set aside.

Accordingly, this appeal petition is disposed of.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
Commissioner  
Saran Division, Chapra.