

**In The Court of Commissioner, Saran Division, Chapra**

**1. B.L.D.R. Appeal No. 128/2018**

**Dudh Nath Yadav & ors.**

**Vrs.**

**Noor Jahan Begam & ors.**

**2. B.L.D.R. Appeal No. 135/2018**

**Ram Ayodhya Yadav & ors.**

**Vrs.**

**Noor Jahan Begam & ors.**

**ORDER**

The aforementioned two appeal petitions have been heard together, as prayed for by the learned counsel for the contesting parties and are being disposed of by a common order.

The brief facts of the case are that the aforementioned two appeals are directed against a common order passed by DCLR, Siwan Sadar in Bihar Land Dispute Resolution case No. 37/2018-19 on 14.06.2018.

The brief facts of the case are that the present respondent of the abovementioned two appeal cases, Noor Jahan Begam filed a case before DCLR, Siwan Sadar under the provision of Bihar Land Dispute Resolution Act-2009 in which the present appellants of both the appeals were made as o.ps. In the said case the present respondent sought relief to the extent that the disputed land measuring 1 bigha 4 katha 17 dhur of khata No. 862, Khesera No. 1461 out of which some part of land as being share of one Ranjeet Yadav was sold out to her through registered sale deed over which the appellants (respondents before DCLR) are creating hindrance by frequently disturbing the boundary of the said land as such the said land be measured. Thereafter, the learned DCLR, after hearing the case finally vide order dt. 14.06.2018 allowed the said case in favour of present respondent. Feeling aggrieved by the said order the present appellants have filed two separate appeal case before this Court wherein the order dt. 14.06.2018 of learned DCLR is under challenge.

Heard the learned counsel for the parties and also perused the written statements filed by them.

The learned counsel appearing for both the parties forwarded their detailed arguments in support of their respective claim and counter claim and they also admitted the fact that dispute amongst them is related to land which is a private land and for which a title suit case has also been filed in Civil Court Siwan.


Considering the facts and circumstances of the case, materials available on record and pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it is seen that in the instant case, the dispute between the parties relates to their respective claim over the disputed land on one or another basis. It is also seen from the written statement filed by the appellant that a T.S. No. 451/2018 has been filed by the appellant which is pending in the Court of Sub-Judge-1, Siwan, in which the present respondent has also made as party in the said case. In fact, it appears that the dispute between the parties relates to

their respective claim of title over the area of the disputed land. None of the parties are either allottee or settle. In view of the recent judgement dated 31.07.2018 of Hon'ble High Court of judicature at Patna in CWJC No. 1091/2013 (*Maheshwar Mandal & ors Vrs The State of Bihar & ors.*), the case brought before learned DCLR was not maintainable as the dispute between the parties is purely a dispute between private parties with respect to measurement of a land for which right, title etc. has not been adjudicated by a competent Court or forum under any of the six acts as enumerated in BLDR Act 2009. As such the learned DCLR was not competent to deal with such kind of dispute under BLDR Act. But the learned DCLR, instead of closing the proceeding brought before him for adjudication and directing the parties to approach the competent Civil Court for adjudication of grievances went on to adjudicate the dispute.

For the aforementioned reasons, the common impugned order of learned DCLR, Siwan Sadar dt. 14.06.2018 passed in BLDR case No. 37/2018-19 is not sustainable and hence the same is set aside.

Accordingly, these two appeal petitions are disposed of.

Dictated and Corrected by me.

  
Commissioner 15.10.19  
Saran Division, Chapra.

  
15.10.19  
Commissioner  
Saran Division, Chapra.