

In The Court of Commissioner, Saran Division, Chapra
B.L.D.R. Appeal No. 20/2018
Ragho Ram & ors.
Vrs.
Rameshwar Ram & ors.

The instant appeal petition is directed against the impugned order passed by DCLR, Gopalganj in Land Dispute Resolution case No. 13/2017-18 on 05.01.2018.

The brief facts of the case are that the present respondent Rameshwar Ram S/o late Vishvanath Ram and his two sons, R/o Vill-Mirganj Bazar, P.S.-Mirganj, Dist-Gopalganj filed a case before DCLR, Gopalganj under the relevant provisions of Bihar Land Dispute Resolution Act, 2009 in which the present appellants were made as o.ps. In the said case the present respondents as petitioner sought relief to the extent that the land in question measuring 3 dhur of plot No. 1378 khata No. 426 from which the illegal occupation of the o.ps (present appellants) be removed and possession be delivered. Thereafter, the learned DCLR after hearing the parties finally vide order dt. 05.01.2018 allowed the said case. Feeling aggrieved by the said order, the present appellants have preferred the instant appeal before this Court.

Heard the learned counsel for the parties.

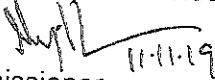
The learned counsel appearing on behalf of the parties submitted in detail about their respective claims over the said disputed land and also drew the attention of the Court towards various documents in support of that.


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. In fact, it appears that the dispute between the parties relates to their respective possession over the area of the disputed land. None of the parties are either allottee or settle. In view of the recent judgement of Hon'ble High Court 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 claim over the disputed land for which right, title etc. has not been adjudicated by any forum under any of the six acts as enumerated in BLDR Act 2009. In fact, the present respondent approached the competent authority under the BLDR Act for declaration of his title and possession and the learned DCLR in no way is competent to grant such kind of relief under the BLDR Act. 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 went on to pass an order on merit.

For the aforementioned reasons, the impugned order of learned DCLR, Gopalganj 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.