

**In The Court of Commissioner, Saran Division, Chapra**  
**B.L.D.R. Appeal No. 197/2014**  
**Chandeshwar Ram**  
**Vrs.**  
**Shankar Ram**  
**ORDER**

The instant appeal petition is directed against the impugned order passed by DCLR, Maharajganj in Land Dispute Resolution case No. 201/2012-13 on 02.12.13.

The brief facts of the case are that the present respondent Shankar Ram S/o Late Yamraj Ram R/o vill-Dilshadpur, P.S. & Circle-Bhagwanpur Hat, Dist-Siwan filed a case before DCLR, Maharajganj under the provision of Bihar Land Dispute Resolution Act, 2009 in which one Chandeshwar Ram S/o Santosh Ram both sons of Late Yamraj Ram and resident of the same village were made as o.ps. In the said case the present respondent as petitioner before DCLR sought relief to the extent that the disputed land measuring 10 dhur of plot No. 285, khata No. 85 came in his share after partition over which the o.p.(present appellant) has made illegal occupation, as such the said land be vacated and thereafter be demarcated. Thereafter, the learned DCLR after hearing the parties finally vide order dt. 02.12.2013 ordered for distribution of half-half portion to each. Feeling aggrieved by the said order the present appellant has preferred the instant appeal.

Heard the learned counsel for the appellant only as the learned counsel for the respondent remained absent despite being given last chance earlier.

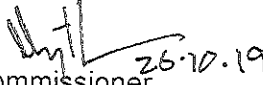
The learned counsel for the appellant while assailing the impugned order submitted that the same is illegal and against the material facts of the case. He also submitted in detail about his claim over the said disputed land. He further submitted that the impugned order of learned DCLR is illegal as such the same is fit to be set aside and accordingly this appeal petition be allowed.

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 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 went on to decide the respective share of the parties with respect to disputed land.

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.

  
26.10.19  
Commissioner  
Saran Division, Chapra.

  
26.10.19  
Commissioner  
Saran Division, Chapra.