

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

**B.L.D.R. Appeal No. 24/2018**

**Kunti Devi & ors.**

**Vrs.**

**Bharat Yadav**

The instant appeal petition is directed against the impugned order passed by DCLR, Maharajganj in Land Dispute Resolution case No. 05/2017-18 on 12.01.2018.

The brief facts of the case are that the present respondent Bharat Yadav S/o Chandrika Yadav, R/o Vill-Chandauli, circle-Goreyakothe, Dist-Siwan filed a case before DCLR, Maharajganj under the provision of Bihar Land Dispute Resolution Act, 2009 in which the present appellants were impleaded as o.ps. In the said case, the present respondent as petitioner sought relief to the extent that the disputed piece of land measuring 11 dhur of plot No. 288 khata No. 06 situated in Mouza Chandauli was his purchased land and the same was being used as road by him but the o.ps (present appellants) have put asbestos over the wall existing on the said road and have captured the same as such the said illegal occupation be removed. Thereafter, the learned DCLR, after hearing the case finally vide order dt. 12.01.2018 ordered for removal of the said illegal occupation and also ordered the concerned C.O. and O.C. of Goreyakothe P.S. to get vacate the said disputed land and further to deliver the possession. Feeling aggrieved by the said order, the present appellants (before DCLR) have preferred the instant appeal before this Court.

Heard the learned counsel for the parties.


The learned counsel appearing on behalf of the contesting parties forwarded their detailed arguments in support of their respective claims and counter claims with respect to the disputed land.


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 a competent Court or 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, Maharajganj 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.