

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

B.L.D.R. Appeal No. 48/2014

Satyadeo Singh

Vrs.

Chandrika Rajak & ors.

**ORDER**

The instant appeal petition is directed against the impugned order passed by Collector, Siwan in Misc. Appeal case No. 04/2011-12 Satyadeo Singh Vrs Circle Officer & ors. on 08.10.2013.

The brief facts of the case are that one Satyadeo Singh S/o Manoranjan Singh R/o Vill-Pinarthu kala, Circle-Daraundha, Dist-Siwan filed a case before Collector, Siwan in which C.O. Daraundha, Chandrika Rajak and Shiv Nath Rai were made as o.p. Nos. 1, 2, 3 respectively. In the said case prayer of the petitioner was that the land settlement certificate issued from record No. 55/1971-72 of Daraundha circle be cancelled. The learned Collector, Siwan after hearing the case finally vide order dt. 10.12.2013 dismissed the said case. Feeling aggrieved by the said order, the present appellant has filed the instant appeal case before this Court under the BLDR Act-2009.

Heard the learned counsel for the parties.

The learned counsel for the parties submitted in details about the whole facts of the case in order to justify their respective claim. The learned G.P. on the other hand questioned the maintainability of this case under the BLDR Act-2009 on the ground that the impugned order has been passed by Collector, Siwan and not by DCLR. The learned G.P. has also submitted his detailed views through his written statements. The relevant portion of the view expressed by learned G.P. is quoted below:-

*"From the perusal of record it appears that the land in dispute was not settled in favour of Chandrika Rajak under the provisions of BLDR Act. It was also not settled under the provisions of BPPHT Act. it was simply settled on the basis of possession of Chandrika Rajak, so this BLDR appeal is not maintainable before this learned Court".*

Having regards to the facts and circumstances of the case, arguments advanced by the learned counsel for the parties and learned G.P. this Court finds that this appeal case is not maintainable before this Court under the provisions of BLDR Act-2009 for the reason that the order under challenge in appeal before this Court has not been passed by DCLR under the BLDR Act rather the same has been passed by Collector, Siwan under some different Act.

Thus, for the aforesaid reasons, this appeal petition is dismissed for want of maintainability.

Dictated and Corrected by me.

  
30/06/2018  
Commissioner  
Saran Division, Chapra.

  
30/06/2018  
Commissioner  
Saran Division, Chapra.