

**In The Court of Commissioner, Saran Division, Chapra**  
**B.L.D.R. Appeal No. 131/2013**  
**Nathu Prasad**  
**Vrs.**  
**Mukund Prasad & ors.**  
**ORDER**

The instant appeal petition is directed against the impugned order passed by DCLR, Maharajganj in case No. 28/2012-13 on 19.03.2013.

The brief facts of the case are that the present respondent Mukund Prasad, S/o Late-Ramautar Prasad, R/o Vill-Lakhnaura, P.S.-Basantpur, Dist-Siwan filed a case under the provisions of BLDR Act-2009 before DCLR, Maharajganj in which the present appellant was made as o.p. In the said case the prayer of the petitioner (present respondent) was that the land measuring 6 katha 14 dhur of khata No. 341, R.S. plot No. 1910 was orally settled to his grand father by the then landlord and since then the said land has been coming in his possession. Further case is that sought relief with respect that the present appellant (o.p. before DCLR) is bent upon to forcibly capture the said land as such he be restrained from making any interference. Thereafter, the learned DCLR after hearing the parties finally vide order dt. 19.03.2013 disposed of the case wherein he held that the claim of the petitioner was true and he accordingly restrained the o.p. from making any interference. Feeling aggrieved by the said order, the present appellant has preferred the instant appeal before this Court.

Heard the learned counsel for the appellant only as the learned counsel for the respondent remained absent despite being given last chance on 07.09.2017 vide order dt. 10.08.17. As such this appeal petition is being disposed of by ex-parte order.

The learned counsel appearing on behalf of the appellant at the very outset of his pleadings, submitted that in the instant case dispute pertains to raiyati land and the nature of dispute relates to adjudication of title. The learned counsel further submitted that the said impugned order has been passed by the learned DCLR under the influence of the respondent and the said order is antedated, illegal and collusive. He further argued that the said disputed land never came in the possession of the respondent and after preparing false documents he raised his claim over the said land. He also argued that the learned DCLR without considering the fact that complicated question of title can not be decided in the BLDR Act, he went on to confirm the claim of the respondent as such the said order is fit to be set aside.

Considering the facts and circumstances of the case, material available on records, pleadings forwarded by the learned counsel for the appellant and on perusal of the impugned order, it is seen that in the instant case dispute between the parties relates to their respective claim over the said land on one or another basis. Obviously such kind of the claim could not have been decided under the BLDR Act. Even the learned counsel for the appellant in his argument strongly submitted that the dispute of title can not be resolved under the BLDR Act. In view



of the decision made by the learned DCLR, it appears that the case itself was not maintainable before him. But the learned DCLR ignoring this important point that he has no authority under the BLDR Act to decide the title pertaining to raiyati land, he decided the same.

It is well established that the subject matter of adjudication under the BLDR Act. does not include such matters. The Hon'ble High Court in its judgment in CWJC No. 1091/2013 (Maheshwar Mandal & ors The State of Bihar & ors) on 24.06.2014 has observed that the revenue authorities are not empowered to entertain matter not arising out of the six enactments mentioned in schedule-1 of the BLDR act-2009. Obviously the instant matter does not fall under any of the said six enactments and as such it was not maintainable before the lower Court.

Thus, for the aforesaid reasons and keeping in view the observations made by the division bench of the Hon'ble High Court as quoted above, the impugned order of DCLR is set aside and the appeal is accordingly disposed of.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
Commissioner  
Saran Division, Chapra.