

In The Court of Commissioner, Saran Division, Chapra
B.L.D.R. Appeal No. 93/2011
Kedar Manjhi
Vrs.
Shila Nath Rai & Ors.

ORDER

29.09.2015- The instant appeal petition is directed against the impugned order passed by DCLR, Chapra Sadar in Demarcation case No. 36/2006-07 on 24.06.2011.

Having heard the learned counsel for the appellant and on perusal of the impugned order, it is seen that the impugned order has not been passed by the DCLR under the provision of BLDR Act-2009. In fact the impugned order has been passed under the relevant provision of some other Act, or rules. In view of the aforesaid position, I do not find any justification to pass order under the BLDR Act as an appellate authority inasmuch as the order under challenge before appellant Court has not been passed by the DCLR under the provision of the B.L.D.R. Act-2009.

Thus, this appeal petition is dismissed for want of maintainability before this Court. However, it is made clear that the petitioner can approach the appropriate forum for availing the remedy of appeal under the relevant Act or rules and in case of delay, if any the same may be condoned as he has already spent much time by filing his case before a wrong forum.

Accordingly, this appeal petition is disposed of.

Dictated and Corrected by me.

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