

In The Court of Commissioner, Saran Division, Chapra
B.L.D.R. appeal No. 248/2013

Shambhu Prasad

Vrs.

Yadolal Sah

ORDER

21.2.2015
The instant appeal is directed against the impugned order passed by
DCLR, Siwan Sadar on 13.04.2013.

Heard the parties.


The leaned counsel appearing on behalf of the appellant submitted that
the disputed piece of land appertaining to khata No. 232, plot No-435 having area 7
khata 5 dhur, situated in Vill-Puraina, Circle --Barheriya, Dist-Siwan is the joint property of
the family and the respondent tries to grab this land through forged sale deed. However,
on the other hand the respondent submitted that the above disputed land was
purchased by him through registered sale deed in the year 2011.

Considering the facts and circumstance of the case and on going through
the respective claims of the parties as well as on perusal of the impugned order, it is
quite apparent that the nature of dispute involves in the instant appeal relates to
determination of title over the disputed land which is outside the purview of the BLDR-
Act-2009.

Thus, for the aforesaid reasons, as well as keeping in view the
observation made by the Hon'ble High Court in its recent Judgement in CWJC No.
1091/2013, this case was not maintainable before the competent authority and also
before this Court. As such the order dt. 13.04.2013 of DCLR Siwan Sadar is set aside
and accordingly this appeal is disposed of.

Dictated and Corrected by me.


Commissioner,
Saran Division, chapra


Commissioner,
Saran Division, Chapra