

**In The Court of Commissioner, Saran Division, Chapra**  
**B.L.D.R. Appeal No. 23/2012**  
**Munna Singh & ors.**  
**Vrs.**  
**Ram Gyan Sah**  
**ORDER**

The instant appeal petition is directed against the impugned order passed by DCLR, Hathua in Land Dispute case No. 64/2011-12 on 26.12.2011.

The brief facts of the case are that a case bearing No. Land Dispute case No. 64/2011-12, Ram Gyan Sah Vrs Munna Singh & ors was initiated by the learned DCLR, Hathua under the BLDR Act-2009 pursuant to a direction of the learned D.M. Gopalganj on an application received in his Janta Darbar. In the said case, the present respondent who was petitioner before DCLR, sought relief that the land in question measuring 1 katha 12 dhur out of which the petitioner has a share of 16 dhur from which 12 dhur land has been forcibly captured by the present appellant (o.p. before DCLR) as such after measurement of the said land his possession be recovered. The learned DCLR after hearing the parties allowed the said case and also ordered for delivery of possession vide order dt. 26.12.2011. 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 case is being disposed of by ex-parte order.

The learned counsel appearing on behalf of the appellant while assailing the impugned order, submitted that the said order is legally not sustainable for the fact that in this case involved determination of complex question of title and possession and it was proper for the DCLR to avoid from passing any order in the matter. He further submitted that the learned DCLR should have held that the sale deed of appellant is genuine and valid and appellant has acquired valid title over the disputed land since the possession of his ancestor has been coming from 1921. He lastly said that the learned DCLR was no way competent to decide the question of title under the BLDR Act and on this ground his order is fit to be set aside.

Considering the facts and circumstances of the case, material available on records, pleadings made by the learned counsel for the appellant and on perusal of the impugned order, it is quite obvious that the dispute between the parties relates to private land and none of them comes under the purview of allottee or settlee as par the definition given in the BLDR Act. It is also seen that the present respondent as petitioner sought relief regarding delivery of possession in the Court of DCLR. Obviously such kind of relief is not permissible under the BLDR Act. As such the case itself was not maintainable before the DCLR.

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.