

**In The Court of Commissioner, Saran Division, Chapra**  
**B.L.D.R. Appeal No. 75/2014**  
**Chini Khatoon**  
**Vrs.**  
**Subh Tara & ors.**  
**ORDER**

The instant appeal petition is directed against the impugned order passed by DCLR, Siwan Sadar in BLDR case No. 32/207/2013-14 on 31.10.2013.

The brief facts of the case are that the present respondent Subh Tara Khatoon W/o Abdul Manan R/o Vill-Dakshin Tola, P.S.-Town, Dist-Siwan filed a case before DCLR Siwan Sadar under the provisions of BLDR Act in which Janak Sah and some others were made as o.ps. In the said case, the relief sought by the petitioner was that the disputed land measuring 3 dhur 10 dhurki situated in Siwan is the purchased land of his husband on which o.ps be restrained from making any interference. Thereafter, the learned DCLR after hearing the parties finally vide order dt. 31.10.2013 allowed the said case and held that the said disputed land is the purchased land of the husband of the petitioner and having her peaceful possession. Feeling aggrieved by the said order, the present appellants have 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 07.09.17 vide order dt. 10.08.2017. As such this appeal petition is being disposed of by ex-parte order.

The learned counsel appearing on behalf of the appellant in his brief argument submitted that the impugned order is without jurisdiction as the dispute between the parties involved determination of complex question of title. He lastly submitted as the learned DCLR is not empowered under the BLDR Act to decide the said question of right and title of raiyati land as such the said order is fit to be set aside.

Considering the facts and circumstances of the case, material available on records, arguments forwarded by the learned counsel for the appellant and on perusal of the impugned order, it is quite apparent that in the instant case dispute relates to private land and the present respondent had approached the competent authority, the learned DCLR for restraining the o.ps from making any interference. In fact none of the parties are either settlee or allottee. Their claim over the said disputed land solely based on the ground of purchase and possession. Obviously resolution of such kind of dispute pertaining to raiyati land is not permissible under the BLDR Act.

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.