
(2015) 05 PAT CK 0088
In the Patna High Court
Case No : CWJC No. 6111 of 2014

Shyam Sunder Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 12-05-2015

Acts Referred:

Citation : (2015) 4 PLJR 7

Hon'ble Judges : Jyoti Saran, J.

Bench : Single Bench

Advocate : Hansraj, for the Appellant; Tej Bahadur Singh, for the Respondent

Final Decision : Allowed

Judgement

Jyoti Saran, J.—Heard Mr. Hansraj, learned counsel appearing on behalf of the petitioner, Mr. Deepak Sahai Jamuar, Assisting Counsel to AAG-6 for the State and Mr. Ravi Bhushan, learned counsel appearing for the respondent No. 7. The petitioner is aggrieved by an order bearing No. 780 dated 10.10.2013 whereby the Circle Officer has proceeded to adjudicate on the issue of delivery of possession in favour of the private respondents, a copy of which is placed at Annexure-6 to the writ petition.

2. Facts of the case briefly stated is that a civil dispute in between the petitioner and the private respondents resulted in Title Suit No. 164 of 1990. The plots mentioned in the impugned Annexure-6 were also subject matter of the suit but vide order passed on 26.7.2013 these plots were deleted from the schedule of the suit. It is not known as to how the Circle Officer assumed jurisdiction for adjudicating upon the claim raised by the private respondents for nothing reflects from the notice rather it is the contention of Mr. Ravi Bhushan that the Circle Officer has exercised powers under the provisions of the Bihar Land Dispute Resolution Act, 2009. It is further argument of Mr. Ravi Bhushan appearing for the respondents that the notice was issued in a matter arising from Miscellaneous Case No. 103 of 2013-14 on the grievance raised by the petitioner.

3. In my opinion, neither the provisions of the Bihar Land Dispute Resolution Act, 2009 vests any jurisdiction on the Circle Officer to adjudicate on any matter involving adjudication on right, title or possession nor there is any enactment under which a Circle Officer can adjudicate on a civil dispute between two private individuals. Whereas the remedy for the private respondents lies somewhere else and before a different forum, it is perhaps taking a circuitous route that they have tried to confer a jurisdiction on the Circle Officer which he has willingly accepted. The exercise of jurisdiction by the Circle Officer in registering Misc. Case No. 103 of 2013-14 is per se illegal, without jurisdiction, a whimsical exercise of power and suffers from the vice of coram non iudice.

4. For the reasons aforementioned, the entire proceedings arising from Miscellaneous Case No. 103 of 2013-14 including the notice impugned at Annexure-6 cannot held and are set aside. The writ petition is allowed. The interlocutory application bearing I.A. No. 2841 of 2015 stands disposed of.