**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.2242 of 2025**

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Saroj Kumar Rakshit @ Nanu Da @ Saroj Rakshit @ Nanu Baba Son of Late Yogeshchand Rakshit, Resident of Village- Kali Mandir Road, Kali Mandir Ward No.- 23, Kali Bazar, P.S.- Araria, District- Araria.

... ... Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Land and Revenue Department, Govt. of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Purnea.
3. The D.C.L.R., Purnea.
4. The C.O., Araria.
5. Madan Kumar Das, S/o Late Pancham Das, Madhubani Bazar, P.S.- K. Hat, District- Purnea.

... ... Respondent/s

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**Appearance :**
For the Petitioner/s : Mr.Sanjay Kumar
For Respondent No.5 : Mr.Rajiv Giri, Sr. Adv.
Mr.Harsh Vardhan, Adv.
For the State : Mr.Sumant Kumar Singh, AC to GA 2
Vinay Kirti Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

2 20-02-2025 Heard the parties.

2. The present writ petition has been filed by the petitioner for following reliefs:-

*(i) For issuance of a writ in the nature of writ of certiorari to set aside/quash the order dated-30.11.2024 passed in Land Dispute Appeal Case No. 78/2023 by the respondent No. 2 whereby and whereunder the learned Divisional Commissioner has set aside the order of the Ld. D.C.L.R., Araria dated-31.03.2023 passed in B.L.D.R., Case No. 07/22-23 and has further directed the D.C.L.R., to earmark/carve out the Land that are being used for Mahavir Mandir and Kali Mandir in terms of an affidavit No. 1501/2024 filed by respondent No.5 and the rest of the land has been directed to be handed*

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*over to the respondent No. 5 which is most arbitrary, illegal and in gross violation of settled law that right, title and possession is not in the ambit of a revenue court but the same has to be decided by a competent court of civil jurisdiction as contained in annexure-P/6 of this writ application.*

*(ii). For issuance of a writ in the nature of writ of mandamus commanding the respondents not to disturb in any manner the peaceful possession of the petitioner over the temple land.*

*(iii). For issuance of any other writ/writs, order/orders, direction/directions to grant relief/reliefs to which the petitioner may be found entitled to in the fact and circumstances of the case.*

3. The petitioner, if so advised, may raise his grievance before the Bihar Land Tribunal under Section 9 of the B.L.T. Act, 2009. If the petitioner seeks the alternative remedy within a period of four weeks, the Bihar Land Tribunal shall decide the matter on merit within a period of six months.

4. With these observations/directions, the writ petition stands disposed of.

**(Nawneet Kumar Pandey, J)**

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