@/IN THE SUPREME COURT OF INCOME. CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO.4726 OF 2017 (Arising out of S.L.P.(Civil @/IN THE SUPREME COURT OF INDIA (Arising out of S.L.P.(Civil)No.3821 of 2015) State of Bihar and Ors. . .. Appellants VS. Maheshwar Mandal and Ors. ...Respondents WITH CIVIL APPEAL NOS.4729-4739 OF 2017 (Arising out of S.L.P.(Civil)Nos.6603-6613 of 2015) ORDER
Civil Appeal arising out of SLP(Civil)No.3821/2015
Leave granted.
We have heard the learned counsel for and perused the impugned judgment and June, 2014 passed by the High Court of We have heard the learned counsel for the parties and perused the impugned judgment and order dated 24 th June, 2014 passed by the High Court of Judicature We find that in the writ petition filed by Maheshwar Mandal and Sanjay Mandal, respondents herein the relief claimed was regarding quashing of the order of Deputy Collector, Forbisganj Araria dated December, 2011 passed by one of the respondents as also appellate order of the Divisional Commissioner, Purnea dated 8 th August, 2012 passed by the another respondent and restraining the respondents to forbear from taking any step disturbing the petitioners' possession over the land in question. From perusal of the writ petition, which has been filed as Annexure P6 of the present appeal, we find that there is no challenge to the vires of any of the provisions of the Bihar Land Disputes

Resolution Act, 2009 (hereinafter referred to as ⬠Sthe Act hearing, arguments were advanced questioning the validity of any of the provisions of an enactment it to a Court of law to decide its validity to be unconstitutional, without there being any pleadings to that effect. This fact is not disputed by the learned counsel appearing for the parties.

In this view of the matter, The appeal is and the impugned order dated 24 th 2009⬠\235). Merely because during the course of any of the provisions of an enactment it is not open to a Court of law to decide its validity and declare it this view of the matter, The appeal is allowed June, 2014 passed by the High Court of Judicature at Patna cannot be sustained the eyes of law and is hereby set aside and the matter is remanded back to the High Court for deciding accordance with law expeditiously. It shall be open to the parties take such plea to which are available to them in accordance with law. Civil Appeals arising out of SLP(Civil)Nos.6603-6613/2015 Leave granted. We have heard the learned counsel for the parties. the perusal of the impugned order dated 7th , 2014, we find that the High Court, while deciding Letters Patent Appeals, relied upon the order dated From July, the 24 th June, 2014 passed in Maheshwar Mandal & Anr. v. State of Bihar and Ors. Since we have already aside judgment, these appeals are also allowed and the impugned judgment is set aside. These matters are also judgment is set aside. These matters are also to the High Court. Having regard to the facts circumstances of the case, the High Court is requested to decide the Letters Patent Appeals as expeditiously possible in accordance with law.

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will be
                  open for the parties
  Ιt
                                                  to take
  which are available to them in accordance with law.
  The interim order passed by the Division Bench of
        High Court shall continue to remain in operation,
  the
  till these matters are finally decided.
  Pending applications also stand disposed of.
  .....J.
          [R.K. AGRAWAL]
  ......J.
       [MOHAN M.SHANTANAGOUDAR]
www.ecourtsindia.com
 New Delhi;
  March 28, 2017.
  ITEM NO.8
                             COURT NO.10
                                                          SECTION XVI
                   SUPREME COURT OF INDIA
                           RECORD OF PROCEEDINGS
  Petition(s) for Special Leave to Appeal (C) No(s). 3821/2015
  (Arising out of impugned final judgment and order dated 24/06/2014
  in CWJC No. 1091/2013 passed by the High Court of Judicature at
  STATE OF BIHAR AND ORS.
                                                        Petitioner(s)
                                     VERSUS
  MAHESHWAR MANDAL AND ORS.
                                                        Respondent(s)
 (With interim relief and office report)
  WITH
  SLP(C) No. 6603-6613/2015
  (With appln. for completion of service of notice by publication
  and exemption from filing O.T. and impleadment as party respondent
  and permission to file additional documents and Interim Relief
  and Office Report)
  Date: 28/03/2017 These petitions were called on for hearing today.
  CORAM :
             HON' BLE MR. JUSTICE R.K. AGRAWAL
            HON' BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
  For Petitioner(s) Mr. Abhinav Mukerji, Adv.
  In SLP 3821/2015 Ms. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.
Mr. Siddharth Garg, Adv.
In SLPs 6603-6613 Mr. Jayan
Mr. Chandra Bhushan Prasad,
For Respondent(s) Dr. Maury
Mr. Rahul Arya, Adv.
Mr. Prem Prakash, Adv.
Mr. Nitin Kumar Thakur, Adv.
Mr. V Bharathi Upadhyay
  In SLPs 6603-6613 Mr. Jayant Bhushan, Sr. Adv.
 Mr. Chandra Bhushan Prasad, Adv.
  For Respondent(s) Dr. Maurya Vijay Chandra, Adv.
  Ms. K. V. Bharathi Upadhyaya, Adv.
  Mr. Sanjay R.Hegde, Sr.Adv.
  Mr. Abhay Kumar, Adv.
  Mr. Saurabh Mishra, Adv.
  Mr. Himanshu, Adv.
  Mr. Bilal Khan, Adv.
  Mr. Basava Prabhu Patil, Sr. Adv.
  Mr. Ravikesh K.Sinha, Adv.
  Mr. Harinder Kumar, Adv.
  Mr. Abhijat P. Medh, Adv.
  Mr. Gopal Singh, Adv.
  Mr. Advitiya Awasthi, Adv.
  Mr. Rajnish Sinha, Adv.
  Mr. Rajat, Adv.
  Mr. Vikas Mehta, Adv.
  Mr. Ashutosh Kumar, Adv.
  Mr. Manish Kumar Choudhary, Adv.
  Ms. Namita Choudhary, Adv.
              UPON hearing the counsel the Court made the following
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                                  ORDER
 Leave granted.
      appeals
                   are allowed
                                  in terms of the
                                                              signed
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order. Pending applications are also disposed of. (Anita Malhotra) (Chander Bala) (Signed order is placed on the file.) Court Master