

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2942 of 1995

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1. Upendra Singh,
2. Devendra Singh,
Both sons of Late Sarobar Singh.
3. Dinesh Singh, son of Late Narayan Singh.
All residents of village-Bhagwanipur Andama, P.O.-Kushother, Anchal & P.S.-
Bahadurpur, District-Darbhangha. Petitioners.

Versus

1. Shashi Ranjan Prasad Singh,
2. Prithivi Raj Singh @ Mohan Singh,
3. Subash Prasad Singh.
All sons of deceased respondent no.1-Jiwachh Singh, all residents of village-
Bhagwanipur Andama, P.O.-Kushother, Anchal & P.S.-Bahadurpur, District-
Darbhanga.
4. Survey Settlement Officer, Darbhanga.
5. Assistant Survey Settlement Officer, Settlement Office, Darbhanga.
6. The State of Bihar. Respondents.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 30-04-2015

No one is present on behalf of the petitioners and the
private-respondents.

State is present.

Petitioners are aggrieved by the order of the
Settlement Officer, Darbhanga by which he has ordered for
carving out about 3 decimals of land in favour of private-
respondents which belongs to the petitioners. Petitioners have
raised two issues. First, the Revisional Survey Authority having
surveyed, submitted report and there being no objection, a belated
objection was raised after 20 years ought not to have entertained.
The Survey Settlement Officer, Darbhanga should not have
ordered such deletion and/or correction. It is pleaded that the

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petitioners had purchased the land vide sale deed in the year 1952 from the heirs of original recorded landlord. In 1970, the Revisional survey was taken up and according to the sale deed the land was recorded in their favour. Subsequently, after 22 years, in 1992 the private-respondents filed an application before the Survey Settlement Officer claiming that 3 decimals of lands were wrongly included in the petitioners' land, inasmuch as the private-respondents had purchased the same by a registered sale deed. It is pointed out that the father of the respondents is nowhere connected with the family of the original landlord.

Having considered the matter, in my view, firstly, the application before the Survey Settlement Officer, 22 years after the revisional survey for correction of the revisional survey entry itself was not entertainable. No objection at the relevant time was filed within the time specified. Secondly, once the matter had been finalized, the Survey Settlement Officer had no jurisdiction to order amendment.

On both these counts, I am satisfied that the impugned order cannot be sustained. It is, accordingly, set aside. The writ application is allowed.

(Navaniti Prasad Singh, J.)

Trivedi/NAFR

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