

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12749 of 1992

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Rani Devi, Wife of Bindhyachal Pandey, resident of village Panday
Tola, P. S. Bhorey, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Additional Collector, Gopalganj
3. Kalpnath Pandey, son of late Deodhari Pandey, resident of village
Pandey Tola, P.S. Bhorey, District-Gaopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Respondent/s : Mr. Purnendu Singh, G.P. -27

Mrs. Sunita Kumari, AC to GP-27

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 13-04-2015

1. The petitioner seeks quashing of an order passed by the
Additional Collector, Gopalganj dated 10.2.1992 (Annexure-2) in
Misc. Zamabandi Correction case No. 17 of 1991-92 whereby, he has
declared the order of the Deputy Collector, Land Reforms, Gopalganj
fixing rent in favour of the petitioner in Rent Fixation Case No. 2 of
1991-92 to have been abated in terms of Section 4(c) of the Bihar
Consolidation of Holdings and Prevention of Fragmentation Act, 1956
(hereinafter referred to as the Act). By the impugned order, the
Additional Collector, Gopalganj has held the appeal before him as
well as the proceeding in the said Rent Fixation Case before the
Deputy Collector, Land Reforms to have been abated in terms of the

said provision under Section 4(c) of the Act.

2. It is submitted on behalf of the petitioner that Section 4 (c) of the Act will have no application in the Rent Fixation case as such proceeding does not pertain to correction of records. It is submitted on behalf of the petitioner that through said Rent Fixation Case, the petitioner did not seek any declaration of a right title and interest over the property in question.

3. Learned counsel appearing on behalf of the petitioner appears to be right in his submission that Section 4(c) of the Act will have application only if the proceeding relates to correction of records and will also apply to every suit or proceeding in respect of rights or interest in any land lying in the area or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under the Act. Section 4(c) of the Act reads as under :-

“4(c). Every proceeding for the correction of records and every suit and proceeding in respect of rights or interest in any land lying in the area or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under this Act, pending before any court or authority whether of the first instance or of appeal, reference or revision, shall on an order being passed in that behalf by the Court or authority before whom such suit or proceeding is pending stand abated.”

4. The language of Section 4(c) of the Act is amply clear.

5. In view of the submissions made on behalf of the

petitioner that she was not seeking any declaration of her right title or interest over the property in question in the said rent fixation case, I am of the view that the said proceeding shall not abate by operation of Section 4 (c) of the Act. The impugned order passed by the Additional Collector, Gopalganj dated 10.02.1992 in Misc. Zamabandi Correction case No. 17 of 1991-92 is accordingly, set aside.

6. The matter is remanded back to the Director, Consolidation, Bihar, Patna for passing an order afresh on the appeal.

7. This application is accordingly, allowed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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