

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12334 of 1995

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1. Harendra Paswan, son of Late Dahaur Paswan
2. Yago Paswan, son of Late Dahaur Paswan
3. Siferari Paswan, son of Late Dahaur Paswan
All residents of village – Kisunpur, Boranha, P.S. – Sarai, District - Vaishali
..... Petitioner/s

Versus

1. State of Bihar
2. The Joint Director, Consolidation, Muzaffarpur
3. The Deputy Director Consolidation, Vaishali at Hajipur
4. Baijnath Mahto, son of Jaddu Mahto, Resident of village – Kisunpur Boranha,
P.S. – Sarai, District - Vaishali
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DINU KUMAR
Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Indrajeet Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-04-2015

01.04.2015

Heard learned counsel for the parties.

There is a concurrent finding of fact that by either connivance or omission, 5 decimals of land was included in C.S. Plot No. 345 by the survey authorities and shown as the land belonging to the father of the petitioner.

After hearing the parties on the objection initially filed, the said finding has been arrived at. There was a clear finding that there is peaceful possession over the said land of the private-respondent and, therefore, the objection has been rightly sustained.

The submission of the counsel for the

petitioner, as indicated in paragraph 7, with regard to the notice and measurement by the “*Amin*”, it is submitted that it is an innovation at the level of the High Court, as no such objection has been raised before any of the authorities, much less the appellate authority. The adjudication cannot be made on the basis of new pleading and assertion of fact.

Writ application, therefore, is required to be dismissed and is dismissed.

(Ajay Kumar Tripathi, J.)

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