

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20878 of 2011

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Nagendra Rai S/O Lte Ram Padarath Rai, R/O Village- Jahangirpur Sam,
P.S.- Desari, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary Department Of Land Reforms, Govt.Of Bihar, Old Secretariat, Patna-800001
2. The Collector, Vaishali At & P.O.-Hajipur, District- Vaishali
3. The Addl. Collector Vaishali At & P.O.- Hajipur, District- Vaishali
4. The Joint Director, Consolidation, Muzaffarpur
5. The Circle Officer-Cum-Block Development Officer Sahdei Bujurg, District- Vaishali
6. Sri Lal Shivashankar Sinha S/O Late Lala Bishnu Gopal Narain Sinha P.O.- Mamrajpur, P.S.- Desari, District- Vaishali
7. Sri Raghunath Singh S/O Late Ishari Singh P.O. & P.S.- Desari, District- Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Kishore Pd. Sinha
For the Respondent/s : Mr. Anjani Kumar, AAG-6
Mr. Sanjay Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-09-2015

Heard.

The petitioner is aggrieved by the order dated 05.08.1995 (Annexure-1) passed in Consolidation Revision Case No. 444 of 1992 by the respondent Joint Director of Consolidation, Muzaffarpur in exercise of his powers under Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, whereby aforesaid revision application filed on behalf of the respondent no.6 was allowed and the lands in question were directed to be recorded in the name of revisionist (respondent no.6) after cancelling the name of the State of Bihar.

The present writ petition is liable to be dismissed on two grounds: firstly, writ petition suffers from delay and laches. The

impugned order was passed on 05.08.1995 and the present writ petition was filed on 25.11.2011 i.e. after delay of more than 16 years; secondly, the impugned order was passed against the State of Bihar, but the State of Bihar did not challenge the said order and it attained its finality. Furthermore, on his own showing, the petitioner has no locus with respect to the lands in question. He simply claims to be Ex mukhiya of the village without showing his right and title over the lands in question.

Learned AC to AAG-6 appearing on behalf of the respondents has submitted that the writ petition is completely misconceived at the behest of the writ petitioner as he is completely stranger so far the lands in question is concerned. However, he pleaded that interest of State may be protected and if the State of Bihar feels, at all, aggrieved, then liberty may be granted to the State of Bihar and/or its functionaries to approach the appropriate forum/court for grant of appropriate relief (s) with respect to the lands in question.

In the aforesaid facts and circumstances and for the reasons recorded above, the writ petition is dismissed, but with a liberty to the State of Bihar and/or, its functionaries, as noticed above.

(Birendra Prasad Verma, J)

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