

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9187 of 2000

Siddh Nath Singh, son of Late Sheo Pujan Singh, Resident of Village-Chakiya, P.S. Sikrahta, District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District collector, Bhojpur at Arrah
3. Dharichhni Devi., Widow of Late Jag Narayan Singh, resident of village-Basgitia, PO + P.S. Bikramganj, District-Rohtas

... Respondent/s

with

Civil Writ Jurisdiction Case No. 12781 of 1993

Dharichhana Devi, wife of Jagnarain Singh, R/o Village-Chakia, P.S. Sikrahta, District-Bhojpur

.... Petitioner/s

Versus

1. State of Bihar.
2. Principal, Consolidation Training Centre, Patna

.... Respondent/s

Appearance :

(In CWJC No. 9187 of 2000)

For the Petitioner/s : Mr. Yogendra Kumar & Dr. M.K. Gautam

For the Respondent/s : Mr. Rajesh Kumar, AC to AAG-III

(In CWJC No. 12781 of 1993)

For the Petitioner/s : None

For the Respondent/s : Mr. Manoj Kumar, AC to GA-10

For Respondent No.2 : Mr. Yagendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 21-07-2015

1. Heard learned counsel for the petitioner in

CWJC No. 9187 of 2000 as well as learned counsel

representing the State Respondents in both the cases.

2. There is no representation on behalf of petitioner of CWJC No. 12781 of 1993 who is respondent No. 3 of CWJC No. 9187 of 2000.

3. No counter affidavit has been filed on behalf of respondents in CWJC No. 9187 of 2000.

4. The petitioner, Sidh Nath Singh of CWJC No. 9187 of 2000 is aggrieved by an order dated 21.07.2000 passed in Revenue Misc. No. 58/89-90 by the District Collector, Bhojpur, wherein in purported exercise of power under Section 32 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956(Hereinafter referred to as the Act), he has declared three registered sale deeds dated 16.11.1987 executed in favour of one Ram Das Singh as void and illegal.

5. Very short submission has been made on behalf of the petitioner in order to assail the impugned order dated 21.07.2000. According to him, before exercising power under Section 32 of the Act, declaring the sale deeds to be illegal and void, it was incumbent upon the Collector to have recorded a finding that publication of registers was made under Section 10 of



the Act. He has contended that transfer by way of sale, gift, exchange or partition, is barred under Section 5 of the Act only after the date of publication of preparation of register of lands and statement of principles under sub-Section (1) of Section 10 of the Act and operates till notification is issued under Section 26A of the Act. He appears to be right in his submission while placing reliance upon a Division Bench decision of this Court in case of ***Surendra Roy and others Vs. State of Bihar and others reported in 2015(2) PLJR 774.***

6. I find from the impugned order passed by the Collector that he has not recorded the date of publication of register of land under Section 10 of the Act. The impugned order dated 21.07.2000, therefore, cannot be sustained and is accordingly, set aside.

7. The matter is remanded back to the Collector to pass an order afresh in accordance with law, keeping in mind the decision of this Court in case of Surendra Roy Vs. State of Bihar (supra).

8. C.W. J.C. No. 9187 of 2000 is allowed accordingly.

9. CWJC No. 12781 of 1993 is dismissed for

want of prosecution.

10. Parties shall bear the costs.

(Chakradhari Sharan Singh, J)

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