

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19518 of 2010

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1. Masomat Saraswati Devi, Wife of late Jitendra Prasad Nayak,
 2. Rahul Kumar Nayak, Son of Late Jitendra Prasad Nayak,
 3. Jai Prakash Nayak Son of Late Hari Prasad Nayak,
 4. Subodh Prasad Nayak @ Subodh Kumar Nayak Son of Late Hari Prasad Nayak,
 5. Ashok Nayak @ Ashok Kumar Nayak Son of Late Hari Prasad Nayak,
 6. Bijay Nayak @ Bijay Kumar Nayak Son of Late Hari Prasad Nayak,
 7. Ajay Nayak @ Ajay Kumar Nayak Son of Late Hari Prasad Nayak,
 8. Masomat Rukmini Devi Wife of Late Upendra Prasad Nayak,
 9. Sanjay Kumar Nayak Son of Late Upendra Prasad Nayak,
 10. Dhananjay Kumar Nayak Son of Late Upendra Prasad Nayak,
 11. Sujit Kumar Nayak Son of Late Upendra Prasad Nayak,
 12. Amit Kumar Nayak Son of Late Upendra Prasad Nayak,
- All residents of Mohalla:- Maroof Chak, P.S.:- Mojahidpur, District:- Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue, Government of Bihar, Patna.
 2. The Commissioner, Bhagalpur Commissionaire, Bhagalpur.
 3. The Collector, Bhagalpur.
 4. The Additional Collector, Bhagalpur.
 5. The Deputy Collector Land Reforms, Sadar Bhagalpur, District:- Bhagalpur.
 6. The Circle Officer, Jagdishpur Circle, District:- Bhagalpur.
-Respondents 1st set.
7. Kamleshwari Prasad Nayak Son of Late Narsingh Prasad Nayak, resident of Mohalla:- Maroof Chak, P.S.:- Mojahidpur, District:- Bhagalpur.

.....Respondent 2nd set.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat
For the Respondent/s : AC to GA-10
Mr. Bimlendu Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 29-06-2015 Heard Sri Mahesh Narayan Parbat, learned senior
counsel for petitioners, learned A.C. to Govt. Advocate – 10 as
well as Sri Bimlendu Mishra, learned counsel, who has appeared

on behalf of private respondent i.e. respondent no. 7.

Petitioners, in the present writ petition, have prayed for quashing of an order dated 24-04-2010 passed by the learned Additional Collector, Bhagalpur in Revision Case No. 13 of 2006-07 (Mutation Revision), whereby, he has reversed the order of the appellate authority.

Learned senior counsel for Petitioners has firstly assailed the order of the Additional Collector on the ground that the Additional Collector under Section 16 of the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973 (in short "Act") was not Collector of the district and as such, he was not authorized to exercise the revisional jurisdiction. He further submits that in respect to the dispute of the same land, a title suit is already pending, which was preferred by the respondent no. 7, in which, petitioners were impleaded, as defendants, and they were already appearing in the suit.

Learned counsel for the respondent no. 7 submits that the question regarding the jurisdiction of the Additional Collector has now been set at rest. He submits that in the year 2008 itself, the provision under Section 2 of the Act was amended and the Additional Collector was also authorized to exercise the revisional jurisdiction and as such, the order of the Additional Collector on

the ground of lack of jurisdiction may not be assailed.

Besides hearing the parties, I have also perused the materials available on record. Fact remains that the Additional Collector in the year 2008 was already authorized to exercise the revisional jurisdiction under the 'Act' and as such, on this score, the order of the Additional Collector may not be assailed. In respect of second submission that suit is pending, the Court is of the opinion that without interfering with the order of the Additional Collector, the matter can be disposed of with an indication that the result of the suit will have binding effect on all the parties.

The writ petition stands disposed of.

This order may not prejudice either of the parties.

(Rakesh Kumar, J.)

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