

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1672 of 2015

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Ashok Kumar Singhi, son of Late Triloki Chand Singhi, Resident of village P.O.-
and P.S.- Nirmali, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Registrar, Bihar Land Tribunal, Patna.
3. The Collector-cum- District Settlement Officer, Supaul
4. The Revenue Officer, Supaul.
5. The Circle Officer, Kisanpur, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma

For the Respondent/s : Mr. Sushant Praveer A.C. to S.C. 27

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 02-02-2015

Heard Counsel for the petitioner and the State.

Both the parties have agreed for disposal of the case at
this stage, hence the order.

The petitioner is one of the aggrieved persons who
moved the Revenue Officer under Section 106 of the Bihar Tenancy
Act for correction in the land records which was entered as
Government land. The Revenue Officer by order dated 10.10.2007
passed in Case No. 10793/85 allowed the same. Aggrieved thereby,
the State of Bihar filed revision application before the Collector-cum-
District Settlement Officer, Supaul vide Revision Case No. 10 of 2013
(Anabad Bihar Sarkar through Anchal Adhikari, Kishunpur versus
Chagan Sindhi and others). The Revisional Court found diverse



illegalities in the consideration of the matter by the Revenue Officer and by an order dated 25.3.2013 (Annexure-3) set aside the order passed by the Revenue Officer. Aggrieved thereby, the petitioner moved the Bihar Land Tribunal, Patna constituted under the Bihar Land Tribunal Act, 2009 giving rise to B.L.T Case No. 446 of 2013. The said case was heard along with analogous cases and by a common order dated 8th September, 2014 dismissed the same, operative part of the order as contained in paragraph 12 thereof reads as under:

“I do not find any merit in all these applications considering that the suits under section 106 of the B.T. Act filed in the year 1985 by the original applicants were not contested by them. They left it long time back but subsequently, after more than 20 years some other persons got themselves impleaded in those suits as plaintiffs. The Revenue Officer without considering the limitation in entertaining such applications allowed the claim of interveners and such apparent illegality cannot be allowed to be sustained. Accordingly all these applications are dismissed. Petitioners are left with only remedy i.e. by filing a suit for correction in the revisional records of right if actually they are in possession of the land and were in possession of the land prior to diluvion and iluvion of the land in the bed of Kosi. The Office of the Bihar Land Tribunal is directed to remit back the original records to the concerned court forthwith.”

Counsel for the petitioner made diverse submissions in order to assail the order passed by the Tribunal.

Counsel for the State, however, supported the same.

On going through the findings recorded in the impugned



order, this Court finds that the Tribunal found several illegalities in the order passed by the Revenue Officer going to the root of the issue. The Tribunal having found those illegalities did not interfere with the order passed by the Collector-cum-District Settlement Officer whereby the order passed by the Revenue Officer (Annexure-2) was interfered with and set aside. The Tribunal, however, observed that the remedy available to the writ petitioner (appellant before the Tribunal) was to invoke the jurisdiction of the Competent Court of civil jurisdiction.

Learned counsel for the petitioner has submitted that the writ petitioner in the light of the said order would invoke the jurisdiction of the Civil Court for redressal of his grievance. It has, however, been submitted that in the meanwhile the Government has taken steps for acquisition of the land of the petitioner and as such status quo with respect to the suit land should be directed to maintained for atleast some period enabling the petitioner to approach the Civil Court in the meanwhile.

Having heard the parties, this Court, while declining the relief prayed for in the application, disposes of the same by permitting the petitioner to invoke the remedy available in law and indicated in paragraph 12 of the order of the Tribunal (Annexure-4). Considering the facts and circumstances of the cases, this Court would direct status

quo to be maintained in respect of the land claimed by the petitioner
for a period of five weeks.

Pankaj/-

(Kishore Kumar Mandal, J)

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