

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2622 of 2000

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Sunil Singh & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Bahadur Singh
Mr. Neeraj Kumar
Mr. Arjun Prasad Singh

For the Respondent/s : Mr. (Gp5)
Mr. Ram Sagar Mahto

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

13 02-12-2015 Heard the learned counsel, Ms. Vagisha Pragya
Vacaknavi on behalf of the petitioners.

The petitioners have filed this writ application under Article 226 of the Constitution of India for quashing the order dated 20.12.1999 passed by the respondent No.2 in Revision Case No.392 of 1985 contained in Annexure-8 whereby the order dated 16.02.1985 passed by the respondent No.3 in Appeal No.324 of 1984/85 as contained in Annexure-7 has been set aside and order dated 09.11.1984 passed by the respondent No.4 in Case No.438 of 1984 contained in Annexure-6 has been restored.

It appears that the disputed R.S. Plot Nos.666 and 671 were recorded in the name of the present petitioner. The



consolidation authorities on the objection of the other side ordered for correction. The defendant filed appeal and appellate Court set aside the order of the Consolidation Officer which was challenged by the petitioners in Revision and by Annexure-8, the Revisional Court has set aside the order passed by respondent No.3 and restored the order passed by the Consolidation Officer.

From perusal of the order, Annexure-8, it appears that the Revisional Court on the basis of the evidences and after perusing the orders passed by the Revenue Court held that the petitioners failed to prove that they are the descendants of the ex-landlord. The Revisional Court also recorded finding that there is nothing on record to show that when the lands were surrendered by the Raiyat and, therefore, set aside the order.

So far the submission of the learned counsel for the petitioners that the respondents have admitted the ownership of the petitioners and that the petitioners themselves have already sold Plot No.668 to others and that the illegality committed by the consolidation authorities while allowing the objection and directing for correction of the record of right have not been considered by the Revisional Court is concerned, it may be stated that the findings recorded by the court below is pure question of fact. So far relationship between the plaintiff and ex-landlord

cannot be declared by the Revenue Court. Prima facie, the Revisional Court has recorded finding that from the genealogy produced by the petitioners, it is not clear that they are the descendants of the ex-landlord.

In view of the above findings, in my opinion, in exercise of the writ jurisdiction under Article 226 of the Constitution, the disputed questions of fact cannot be decided. If at all the petitioners have got any right, title, interest or possession over the disputed Plot No.666 and 671, the petitioners may approach appropriate forum seeking appropriate relief. So far this writ application is concerned, it has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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