

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16664 of 2008

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1. Smt.Aaspati Devi, wife of Ram Narain Singh
 2. Sudha Devi, wife of Om Prakash Singh
 3. (i) Vivek Kumar @ Rohit Kumar, son of Late Anil Kumar
(ii) Lovely Kumari, daughter of Late Anil Kumar Singh
 4. (i) Neeraj Kumar son of Late Ram Narayan Singh
 5. Om Prakash Singh, son of Late Ram Surat Singh
 6. Anil Singh (expunged)
 7. Satendra Singh, son of Late Ram Surat Singh,
All residents of village- Nonar, P.O. Chewari, P.S. Ramgarh, District-
Kaimur(Bhabhua)
 8. Saheb Dulari Devi, wife of Ram Raj Singh , resident of village- Jonar,
P.O. Baraura, P.S. Ramgarh, District- Kaimur (Bhabhua)
 9. Mohan Yadav, son of Late Ram Dawan Yadav, resident of village-
Jorar, P.O. Baraura, P.S. Ramgarh, District- Kaimur(Bhabhua)
 10. Lal Bahadur Tiwary, son of Indra Deo Tiwary, resident of village-
Balpur, P.O. Chhewari, P.S. Ramgarh, District- Kaimur(Bhabhua)
- Petitioners

Versus

1. The State of Bihar
 2. The Collector, Kaimur (Bhabhua)
 3. The Consolidation Officer, Ramgarh , Kaimur
 4. Dharamdeo Tiwary, son of Late Sita Ram Tiwary
 5. Chakardhar Tripathi, son of Dharamdeo Tiwary
 6. Onkar Nath Tripathy
 7. Subhan Tripathy, both monor sons of Chakardhar Tripathy through
their mother Indu Devi
 8. Indu Devi @ Indu Tripathy, wife of Chakardhar Tripathi
All residents of village- Jorar, P.O. Baraura, P.S. Ramgarh, District-
Kaimur (Bhabhua)
- Respondents

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Appearance :

For the Petitioner/s : Mr. Subhash Chandra Dubey
Mr. Ranjeet Choubey

For the Respondent/s : Mr. AC to SC-19
Mr. Kamala Kant Pandey
Mr. Rewati Kant Raman

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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12 17-04-2015

Heard learned counsel for the petitioners and learned

AC to SC-19 as well as Sri Mahesh Prasad, learned counsel, who

has appeared on behalf of Respondent no.8.

The petitioners, who had purchased some land from Respondent nos. 4 and 5, have approached this Court with a prayer to quash an order dated 22.09.2008 passed in Misc. Case No.23 of 2006-07 passed by the learned Collector , Kaimur (Bhabhua) , whereby the learned Collector, after petition filed by Respondent no.8 had concluded that said transactions were without permission under the provisions of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter referred to as the “Consolidation Act”) and also directed to impose fine on the vendor.

Learned counsel for the petitioners has placed heavy reliance on Annexure-2 to the writ petition, which according to the petitioner was issued under the provisions of Right to Information Act and the Consolidation officer of the concerned area had intimated that from the period 06.09.2004 to 23.12.2005 there was no necessity to obtain permission for transfer of the land in respect of Jorar, Ramgarh Police Station within the district of Kaimur.

In this case, earlier on 24.07.2009 a bench of this Court after noticing the contradictory stand on the point of grant of permission for transfer of the land had directed the Director of Consolidation to inquire into the matter and file appropriate

affidavit in compliance with the earlier order of this Court. On behalf of the Director, Consolidation, a counter affidavit has been filed and in paragraph-3 (iv) at page-6, a categorical statement has been made that the information dated 04.07.2007, which is Annexure-2 to the writ petition, was supplied due to clerical mistake. It has been indicated that there was no such permission. Regarding information supplied to Respondent no.8, it has been reiterated that the same is correct.

Keeping in view the fact that Annexure-2 to the writ petition has not been found to be correct, the Court is of the opinion that the learned Collector, Kaimur (Bhabhua) had not committed any error in passing order dated 22.09.2008. In view of non-acceptance of Annexure-2 to the writ petition, it is evident that before transferring the land in question no permission was obtained.

Accordingly, there is no ground for interference with the impugned order. The writ petition stands dismissed.

(Rakesh Kumar, J)

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