

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4034 of 2015**

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1. Bhola Prasad Thakur,  
2. Vijay Kumar Thakur,  
3. Ashok Kumar Thakur, All Son of Late Ram Chandra Thakur, Resident of  
Village - Kolhauta Tola - ranitol Parganashahjahanpur, P.S. - Moro, District –  
Darbhanga,

.... .... Petitioners

Versus

1. The State of Bihar.  
2. The Divisional Commissioner, Darbhanga.  
3. The Additional Collector, Darbhanga.  
4. The Land Reforms Deputy Collector, Darbhanga.  
5. Raghunath Sah (Gupta) Son of Late Jamun Sah,  
6. Smt. Kanti Devi Wife of Raghunath Sah, Both resident of village - Kolhauta  
Tola - Ranitol Pargana - Shahjahanpur, P.S. Moro, District - Darbhanga.  
7. Vijay Prasad Gupta,  
8. Surendra Prasad Gupta, Both Sons of Late Narayan Sah, Resident of Village -  
Bara Bajar, Shansarganj, Police Station - Town, District – Darbhanga,

.... .... Respondents

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**Appearance :**

For the Petitioners : Mr. Girish Chandra Jha, Advocate  
For the State : Mr. Ajay Kumar, AC to AAG 8

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 24-03-2015**

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 14.01.2015  
passed by the Divisional Commissioner, Darbhanga in Revision  
No. 131/2012, by which he has dismissed the petition filed by the  
petitioners for spot verification at the revisional stage.

Learned counsel for the petitioners submits that so many  
houses were standing on the adjacent lands but no spot inquiry  
was made by the DCLR, therefore, spot verification was

necessary for proper disposal of the revision.



I do not find any force in the submission made by learned counsel for the petitioners as, in my considered opinion, such spot verification cannot be allowed at the revisional stage. The appellate/revisional authority is required to adjudicate regarding the legality of the order passed by the original authority after examining its records. In the cases of pre-emption, the situation or stage which was existing on the date of filing of the pre-emption application, can only be considered. The pre-emption application concerned was filed in the year 2010. Thereafter, certain development by erection of houses on certain plots might have occurred. Even if spot verification is allowed to be done at the revisional stage, it would be impossible to come to a conclusion as to what was the situation about five years back at the time when the pre-emption application was filed. The petitioners should have filed an application for spot verification before the original authority itself which, admittedly, has not been done and now, at the revisional stage, after losing the case before the original authority as well as the appeal, petitioners want spot verification which, in my considered opinion, would amount to creation of new evidence which was not available before the original authority at the time when the matter was being

considered.

In above view of the matter, I do not find any reason warranting interference in the impugned order. However, if spot verification was required at the original stage and was not done, in such a situation, the petitioners would be at liberty to raise such issue before the revisional authority which shall consider it on its own merit and in accordance with law.

Accordingly, this application is dismissed.

**(Dr. Ravi Ranjan, J)**

SC/-

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