

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.33 of 2015

IN

Civil Writ Jurisdiction Case No. 13958 of 2013

- =====
1. The State of Bihar through the Collector, Darbhanga
 2. The Collector, Darbhanga

.... Respondents-Appellant/s

Versus

1. Manoj Kumar Mandal, Son of Late Ram Narayan Mandal, Resident of village- Maulviganj Kadirabad, P.S.- L.N.M.U., P.O.- Lalbagh, District- Darbhanga.

Writ petitioner-Respondent.

2. The Principal Secretary, Land and Revenue Department, Govt. of Bihar, Patna
3. Sita Devi, Daughter of Late Anirudh Sah, Resident of Mohalla - Hassan Chowk, P.S. - Nagar, District – Darbhanga.
4. V.K. Thakur, Son of Nokhelal Thakur, Resident of Mohalla - Hassan Chak, P.S. - Nagar, District - Darbhanga
5. Krishna Mohan Jha, Secretary, Mithila Mandal Sahyog Samiti Ltd. Lalbagh, Darbhanga.
6. Sriman Kapileshwar Singh, Son of Late Raj Kumar Subheshwar Singh.
7. Shriman Rajeshwar Singh, S/o Late Raj Kumar Subheshwar Singh, Both residents of Ram Bagh Palace, Darbhanga, P.S. AND District- Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Apurva Kumar, A.C. to G.A.11

For the Respondent no.1 : Mr. Ajit Kumar, Advocate

Mr. Shailendra Kumar, Advocate

Mr. Krishna Murari Rawt, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-03-2015

This Appeal is filed against the order dated 28.01.2014 passed by the learned Single Judge in CWJC No.13958 of 2013. The writ petition was filed challenging the order dated 17.06.2013 (wrongly mentioned as 17.08.2013 in the order in the writ petition).



The 2nd appellant herein, i.e. the District Collector, passed the order dated 17.06.2013 setting aside the Jamabandi in respect of 2 Bighas, 7 Kathas and 10 Dhurs of land in Municipal Survey No.10987 of Darbhanga Town, in exercise of power under Section 4(h) of the Bihar Land Reforms Act, 1950. Challenging the same, the 1st respondent herein, filed the writ petition. His contention was that the issue pertaining to the ownership of the land assumed finality way back in the year 1954-55, with the order passed by the Government refusing to annul the transfer and sale, and still the 2nd appellant unsettled the matter arbitrarily after more than half a century.

The learned Single Judge dealt with the factual and legal contentions and held that there was no basis for the order passed by the 2nd respondent. The same is challenged in this appeal.

Heard the learned counsel for the appellants and learned counsel for the respondents.

With the increasing value of the land, it has virtually become a fashion for the officers of the Revenue Department to undertake reopening of the matters that have assumed finality long back and then to generate unnecessary litigations and the parties are driven to the Courts. It is on account of fancy of some so-called enthusiastic officers. In all fairness, the learned Single Judge did

not deprecate the conduct of the appellant, i.e. the Collector.

We do not find any basis to interfere with the impugned order. Accordingly, the appeal is dismissed.

We make it clear that in case the possession of the land has been taken on the basis of the order passed by the 2nd appellant, it shall be his obligation to restore the same to the 1st respondent, free from all encumbrances within two months.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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