# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.13688 of 2012**

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1. Raj Nandan Singh S/O Ram Aashish Rai R/O Village - Darbeshpur, At + P.O. Beyapur, P.S. Maner, District - Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Settlement Officer, Maner, Patna
3. The Settlement Officer At Baldeo Bhawan Punaichak At + P.O. Punaichak, P.S. Sastrinagar, District - Patna
4. The Circle Officer, Maner, Patna
5. The S.H.O. Maner Police Officer, Patna
6. The Govt. Survey Knowing Amin At Maner Block, P.O. + P.S. Maner, District - Patna
7. The S.D.M. Danapur
8. The Collector, Patna
9. The Maner Seva Chapra C/O Adhyaksh Daiv Dayal Singh, S/O Tipan Singh, Sun Shine Residential Public School, Village - Darbeshpur, P.O. Beyapur, P.S. Maner, District - Patna
10. Vijay Kumar S/O Daiv Dayal Singh, Sunshine Public School R/O Village - Darbeshpur, P.O. Beyapur, P.S. Maner, District - Patna
11. Dhananjay Kumar S/O Daiv Dayal Singh, Sun Shine Public School At Village - Darbeshpur, P.O. Sadikhpur ( Beyapur ), P.S. Maner, District - Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar

For the Respondent/s : Mr. Manoj Kumar Sinha, A.C. to S.C. 30
Mr. Helal Ahmad.

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**

ORAL JUDGMENT

**Date: 09-10-2015**

Heard both sides.

The order challenged in this writ petition has been passed by the Settlement Officer on the application of the petitioner or his ancestor/family members.

The contention of the petitioner is that the record of rights having finally been published, no objection could have been filed and entertained by the Revenue Officer. He relies in this regard on sub-section (3) of Section 103A of the Bihar Tenancy Act, 1885 (for short 'the B.T. Act') which reads as under:-

> "Revenue Officer specially empowered by the State Government in this behalf, may, on application made to him within three months of any order or decision on any objection made under sub-section (1) or on his own motion, after giving reasonable notice to the parties concerned to appear and be heard in the matter, revise, at any time before the final publication of the record-of-rights, any such order or decision whether made by himself or by any other Revenue Officer."

Indisputably, according to the petitioner, the records of right were finally published on 21.6.2008 and thereafter petition was filed.

The respondents have, however, supported the impugned order. It has been submitted that as per Section 106 of the B.T. Act, such objection can be filed and entertained by the Revenue Officer which has been done in the present case. It further appears that aggrieved by the said order, the family members of the petitioners filed revision case presumably under Section 108 of the B.T. Act vide Revision Case No. 14 of 2010 which was considered and rejected. The said order has also been challenged by the petitioner.

The ground of attack, in my view, is not available to the petitioner since under Section 106 of the B.T. Act, such application/objection can be entertained by the Revenue Officer against the entry made in the record of rights finally published. The other grounds raised before the Revisional Authority have been rejected assigning reasons therefor. In the writ jurisdiction, this Court will not reappraise those reasons until shown to be perverse.

The writ application is dismissed. Dismissal of the application shall, however, not preclude the petitioners from challenging the correctness of the order before the appropriate authority/forum in accordance with law.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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