

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.759 of 2016

=====

Satya Narain Singh

.... Petitioner/s

Versus

Ram Agya Singh & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 28-04-2016

Heard Mr. S.K. Das, learned counsel appearing for the petitioner.

2. Perused the impugned judgment dated 09.10.2015, by which, the court below has rejected the application filed by the petitioner under Section 4(c)(1) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (for short the 'Act'). while rejecting the application, the learned court below recorded clear finding that this question is mixed question of fact and law and further that the plaintiff has challenged the order of the consolidation authority on the ground of fraud. The court also held that the question of fraud can only be decided by the civil court and while recording these findings, the court below has relied upon various decisions of the High Court.

3. In such view of the matter, it cannot be said that the order passed by the court below is illegal or that it is without

jurisdiction. Further the court below has held that the question of abatement under Section 4 (C) of the Act can very well be decided on the basis of evidence at the time of judgment..

4. In such view of the matter, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this writ application is dismissed. However, the court below shall expedite the hearing of the suit.

brajesh/-

U			
---	--	--	--

(Mungeshwar Sahoo, J)