

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.24 of 2014

=====

Dinanath Singh, son of Raghunath Singh, resident of Village Satendra Nagar, P.S. Maner, District Patna

..... Plaintiff Respondent

.... Appellant

Versus

Pramod Kumar Singh, son of Ganga Dayal Singh, resident of Village Satendra Nagar, P.S. Maner, District Patna

..... Defendant Appellant

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Tarun
Mr. Binay Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 29-04-2016

Heard learned Counsel for the appellant.

2. The plaintiff is the appellant in this appeal against the judgment and decree of reversal dismissing the suit of the plaintiff.

3. The plaintiff filed the suit for declaration of title and possession over the suit property described in Schedule II of the plaint. From the facts appearing from the judgments of both the courts below and from the submissions made on behalf of the appellant, it transpires that the plaintiff has claimed his title over the suit property on the basis of registered sale deed dated 14.7.1995. By the said registered sale deed, the vendor of the plaintiff has transferred the title, which he inherited from his mother Singhashan Devi. The facts further reveal that the suit land was acquired by the State Government in Land Acquisition Case No. 820 of 1961-62 for the purpose of rehabilitation of the inhabitants of **Diara** land who were rendered homeless due to erosion by river **Sone**. The



mother of the vendor of the plaintiff along with her brother was one of such homeless persons with whom the State Government allotted the suit land for the purpose of their rehabilitation. After the death of brother of the mother of the vendor of the plaintiff and also after the death of mother of the vendor of the plaintiff, he came in possession over the settled land. The trial court returned the finding on the issues in favour of the plaintiff and granted the relief. In appeal, however, the appellate court has come to the finding that the vendor of the plaintiff or for that matter the predecessor in interest of the vendor of the plaintiff being only the allottee of the suit land for the purpose of rehabilitation did not acquire any transferable title and interest over the same and, therefore, the plaintiff by the sale deed dated 14.7.1995 has also not acquired any title. The finding by the trial court was thus reversed by the appellate court, the appeal was allowed and the suit was dismissed by the impugned judgment and decree.

4. The learned Counsel for the appellant has submitted that after the allotment by the State of Bihar, the predecessor in interest of the vendor of the plaintiff acquired transferable title over the suit land and, therefore, the transfer in favour of the plaintiff by the sale deed dated 14.7.1995 is legally valid and has conferred valid title over the suit land to the plaintiff. No other submission has been made on behalf of the appellant.

5. After perusal of the judgments of both the courts below and considering the submissions, it is manifest that the suit land was the allotted land to the predecessor in interest of the vendor of the plaintiff under a rehabilitation scheme by the State Government. The suit has

been filed for declaration of title and possession over the suit land, but the State of Bihar has not been impleaded as party, though it has not been disputed that the suit land has been acquired by the State of Bihar in Land Acquisition Case No. 820 of 1961-62. The appellate court below after reappraisal of materials on record, including the circular dated 24.5.1974 issued by the State of Bihar putting a ban over any transfer of the settled land by way of sale or otherwise, has come to the finding that the plaintiff has failed to establish that his vendor or even the predecessor in interest of his vendor had absolute title over the suit land. During the course of submission, this Court has not been persuaded to take the view that the conclusions arrived by the appellate court below on the basis of materials on record are perverse or unreasonable in any manner.

6. Ex consequenti, this Court does not find any substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J.)

Snkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2016
Transmission Date	