

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.14 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 16821 of 2010

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1. Rajesh Kumar Mehta @ Raju, Son of Late Brijnandan Singh, Resident of Village - Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District- Patna.
 2. Rakesh Kumar, Resident of Village- Dariapur, P.S.- Phulwarisharif, District- Patna.
 3. Gulzari Devi, W/o Naresh Kumar, Resident of Mohalla - Yarpur, P.O.- G.P.O., P.S.- Gardanibagh, District - Patna.
 4. Rajeshwar Sharma @ Rajeshwar Mistri, Son of Late Keshwar Mistri, Resident of Village - Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District - Patna.
 5. Surendra Prasad Sharma, Son of Late Rewa Mistri, Resident of Village - Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District - Patna.
 6. Mahendra Sharma, Son of Late Rewa Mistri, Resident of Village - Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District - Patna.
 7. Kameshwar Sharma @ Kameshwar Mistri, Son of Late Rewa Mistri, Resident of Village - Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District - Patna.
 8. Jai Bishun Sharma, Son of Late Rewa Mistri, Resident of Village - Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District - Patna.
 9. Bhola Kumar Singh, Son of Late Binod Singh, Resident of Village - Sadanichak, P.S.- Phulwarisharif (Now Parsa Bazar), District- Patna.
 10. Sholay Kumar Singh, Son of Late Binod Singh, Resident of Village - Sadanichak, P.S.- Phulwarisharif (Now Parsa Bazar), District- Patna.
 11. Rajnandan Ram, S/o Late Baso Ram, Resident of Mohalla - Jakkanpur, P.S.- Jakkanpur, District- Patna, Secretary, Jarasandh Nagar Sahkari Grih Nirman Samiti Limited, Patna.
 12. Kunti Sinha, W/o Rajesh Kumar, Resident of Village- Mirachak, P.S. - Bind, District - Nalanda.
 13. Sushila Kumari, D/o Ayodhya Prasad, Resident of Village- Misi, P.S.- Bakhtiyarpur, P.O.- Misi, District - Patna.

.... Appellants

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
5. The Circle Officer, Phulwarishariff, District- Patna.
6. Arshad Hasmi, Son of Late Salim Hasmi, Resident of Mohalla- Lodi Katra, Patna City, P.S.- Khajekala, District- Patna.
7. Farhath Hasmi, Son of Late Salim Hasmi, Resident of Mohalla- Lodi Katra, Patna City, P.S.- Khajekala, District- Patna.
8. Shaukat Hasmi, Son of Late Salim Hasmi, Resident of Mohalla- Lodi Katra, Patna City, P.S.- Khajekala, District- Patna.
9. Kamrujama, Son of Nasim Hasmi, Resident of Mohalla- Lodi Katra, Patna City, P.S.- Khajekala, District- Patna.
10. Shahjad Majhar, Son of Junad Ahmad, Resident of Mohalla- Lodi Katra, Patna City, P.S.- Khajekala, District- Patna.
11. Shyamini Devi, Wife of Bijay Sao, Resident of Village- Ahiara, P.S.- Karpi, District- Jehanabad.
12. Rani Devi, Wife of Sri Sunil Kumar, Resident of Village - Ranipur, P.S.- Patna City Chawk, District - Patna.
13. Sujit Kumar, Son of Sri Jogendra Prasad, Resident of Village - Ranipur, P.S.- Patna City Chawk, District - Patna.
14. Ravindra Mistri, Son of Late Keshwar Mistri, Resident of Village- Dariapur, P.S.- Phulwarisharif (Now Parsa Bazar), District- Patna.
15. Sarita Devi Sinha, W/o Shree Sudama Prasad, Resident of Village - Bari Gharari, P.S.- Sarmera, District- Nalanda.

.... Respondents

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Appearance :

For the Appellants : Mr. K.N. Choubey, Senior Advocate.
Mr. Sanjay Kumar Verma, Advocate.
For the State : Mr. Manoj Kumar Sinha, AC to SC-30
Mr. Jitender Kishor Verma, Advocate.
Mr. Anjani Kumar, Advocate.
Mr. Abhishek Kumar, Advocate.
For Respondent Nos.
6, 7, 8 & 10 : Mr. Kamta Prasad Roy, Advocate.
Mr. Satya Ranjan Sinha, Advocate.
For the Respondent No. 9 : Mr. Dhananjay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 31-03-2016

Heard learned counsel for the appellants and the respondents.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 25th of November, 2013 in C.W.J.C. No. 16821 of 2010, whereby an order passed by the *Anchal Adhikari* on 14th of February, 1992; by Deputy Collector, Land Reforms on 24th of August, 2009 and by Additional Collector on 3rd of June, 2010 was not interfered with in respect of correcting the revenue record in favour of the private respondents herein.

3. Learned counsel for the appellants has vehemently argued that the sale-deed in favour of the private respondents does not remotely relate to the land in question of the appellants. Therefore, said sale-deed cannot be made basis for change of revenue record after more than 50 years in the year 1992. It is contended that the appellants continue to be in possession of the land in question and on the basis of the orders passed by the authorities under the Bihar Tenants' Holdings (Maintenance of Records) Act, 1973, the rights of the present appellants cannot be interfered with or put in jeopardy.

4. We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal. The question as to whether the sale-deed, the basis of change of the revenue record, does not relate to the land of the appellants, is

a matter which requires detailed oral and/or documentary evidence. The orders passed by the authorities under the Act are summary in nature as in terms of Section 19 of the said Act, the orders are presumed to be correct unless it is proved by evidence to be incorrect including in a proceeding in Civil Court of competent jurisdiction.

5. Therefore, in case there is any cloud over the title of the appellants, the appellants have a right to approach the Civil Court for assertion of the title over the land in question. All the authorities under the Act and the learned Single Bench have not interfered with the order passed by the *Anchal Adhikari*. In the present Letters Patent Appeal, we do not find any ground to interfere with the order passed by the authorities under the Act.

6. Thus, it shall be open to the parties to take recourse to the remedy of Civil Suit in terms of Section 19 of the Act in accordance with law. We clarify that any observation made by any of the authorities under the Act or by the learned Single Bench will not prejudice the rights of the parties in any manner. The proceedings before the Civil Court shall be decided on the basis of the evidence which is led before it.

7. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Sujit
N.A.F.R.

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