

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.475 of 2016
IN
Civil Writ Jurisdiction Case No. 844 of 2014**

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Mukti Prasad Singh, Son of Late Bishnudeo Singh, resident of Village - Moldiyar
Tola, P.S.- Mokama, District- Patna.

.... Respondent / Appellant

Versus

1. The State of Bihar
2. The District Magistrate and Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Sub-Divisional Officer Barh, Patna.
5. The Deputy Collector, Land Reforms, Barh, Patna.
6. The Circle Officer Mokama, Patna.
7. Chairman Nagar Parishad Mokama, Patna

..... Respondents / Respondents

8. Yadunandan Singh, Son of Late Ramgulam Singh resident of Village- Moldiyar
Tola, P.S.- Mokama, District- Patna.

.... Respondent / Petitioner.

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Appearance:

For the Appellant/s : Mr. Amresh Kumar and
Mr. Kapil Deo Singh, Advocates.

For the Respondents-State: Mr. Anirban Kundu, SC 24.

For the Respondent no. 7: Mr. Arabind Nath Pandey, Advocate.

For the Respondent no. 8: Mr. Tuhin Shankar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 14-11-2017

Heard learned counsel for the parties.

2. Appellant is respondent no. 8 in the Writ Application preferred by the present private respondent no. 8. The private respondent no. 8 here-in being aggrieved by an order dated 03.12.2013 passed by respondents no. 2 and 3, namely, the District



Magistrate, Patna and the Senior Superintendent of Police, Patna, as contained in Annexure-6 to the Writ Application whereby a direction was issued to initiate a proceeding under Section 4(h) of the Bihar Land Reforms Act, 1956 (hereinafter referred to as 'the Act'), moved this Court by filing CWJC No. 844/2014.

3. The grievance of the writ petitioner-private respondent no. 8 in the Writ Application was that the steps taken for cancellation of the Zamabandi bearing no. 79 standing in the name of the father of the petitioner Ramgulam Singh at the instance of one Mukti Prasad Singh (present appellant) was wrong and the same being not in accordance with law he sought quashing of the order dated 03.12.2013. Learned single Judge took note of the submissions made on behalf of the writ petitioner and from the records found that admittedly name of the father of the petitioner was entered in Register II and the Zamabandi bearing no. 79 was created which has continued since 1956. It was also found that the petitioner was paying rent in respect of the land in question and is in possession of rent receipts. The learned single Judge found that the proceeding initiated on 22.01.2014 under Section 4(h) of the Act was a wrong committed by the revenue authorities, therefore, the impugned order was set aside.

4. The learned single Judge has also dealt with the facts as to how the respondent no. 8 in the Writ Application moved in a Public



Interest Litigation in the year 2013 and on the strength of a mandamus for adjudication of the complaint by the private respondent no. 8 the authorities proceeded to act in a totally mechanical manner and recommended for initiation of a proceeding. It is the private respondent no. 8 of the Writ Application, who is now in appeal before us.

5. We have asked a pointed question to the learned counsel representing the appellant as to whether or not the facts stated in the impugned order as to the Zamabandi created in the year 1956 and the entry of the name of the father of the writ petitioner in Register II and his being in possession of the rent receipts since 1956 are correct. Learned counsel for the appellant admits the factual position that there was a Zamabandi created in the year 1956 in favour of the father of the writ petitioner and since then his name exists in Register II and rent receipts are also there in his possession.

6. We find that it is an adversary kind of litigation where the private respondent no. 8 of the Writ Application being a co-villager of the writ petitioner has indulged in filing a frivolous appeal. The Appeal has no merit. It is dismissed accordingly.

7. We are of the view that the appellant, having indulged in filing of a frivolous appeal, will be liable to pay costs of Rs. 5,000/- (Five thousand) which will be deposited in the Patna High Court



Legal Aid Committee within a period of four weeks from today and a receipt thereof must be submitted and brought on record.

7. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.11.2017
Transmission Date	N/A

