

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.895 of 2017

In
Civil Writ Jurisdiction Case No.11734 of 2005

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Raghunath Prasad Singh @ Ragho Singh, Son of Late Sukhdeo Singh,
Resident of Village- Barkagaon, Tola- Mathiya, P.O. - Kolhwara, P.S. - Kanti
(Karja), District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. District Magistrate/Collector of the District- Muzaffarpur.
3. Additional Collector, Muzaffarpur.
4. Circle Officer, Kanti Block, Muzaffarpur.
5. The Bihar Bhoodan Yagya Committee, Kadam Kuan, Patna-3
6. Secretary, Bhoodan Yagya Committee, Muzaffarpur, Club Road, P.S.-
Mithanpura, P.O. Ramana, District- Muzaffarpur.
7. Chief Secretary, Bihar Bhoodan Yagya Committee, Jagat Narayan Road,
Patna.
8. Ram Pukar Roy
9. Shatrughan Roy
10. Ram Adhar Roy
11. Sheonandan Roy @ Sidan Roy Respondent No. 8 to 11 are Son of Batahu
Roy Resident of Village- Nargijivnath, P.S. Saraiya, P.O. Kolhwara, Via-
Jaitpur, District- Muzaffarpur.
12. Sri Ram Aadhar Singh, Son of Late Pradeep Singh, Resident of Village-
Gahila, P.S.- Saraiya, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Mr. Manish Dhari Singh, A.C. to Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

CAV JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-10-2018

1. Feeling aggrieved and dissatisfied with the
impugned judgment and order passed by the learned Single
Judge dated 09.08.2016 in C.W.J.C. No. 11734 of 2005, the
original writ-petitioner has preferred the present Letters Patent



Appeal under Clause 10 of the Letters Patent.

2. The facts leading to the present appeal in nut shell are as under:-

2.1. That one Rama Adhar Singh donated the land in question to Bhoodan Yagya Committee. The said land was standing in the name of one Anurag Singh, Deepa Rai and Dhupa Rai and after their death, one share of the land was inherited by the father of the appellant-original writ-petitioner, namely, Shukhdeo Singh and one share was inherited by one Ram Awatar Singh Ramraj Singh. That the Bhoodan Yagya Committee, in course of time allotted the land to the private Respondent Nos. 8 to 11. The original writ-petitioner approached the Bhoodan Yagya Committee submitting that the aforesaid Rama Adhar Singh who donated the land in question was not the owner and had no authority to donate the same to the Bhoodan Yagya Committee. That the Bhoodan Yagya Committee vide order dated 30th June, 1993 refused to pass any order on the ground that the donation which was given has been confirmed. The said order came to be challenged before this Court by way of C.W.J.C. No. 10543 of 1993 by the mother of the original writ-petitioner. This Court vide order



dated 03.01.1997 disposed of the writ petition with liberty to approach the Appellate Forum. Accordingly, the original writ-petitioner filed an appeal before the Collector, which was registered as Case No. 90 of 1996-97. The Collector vide order dated 10th June, 1998 remanded back the matter to the D.C.L.R. and gave direction to find out who is the real owner of the property in question. It appears that thereafter no further order has been passed. In the meantime, the Private Respondent Nos. 8 to 11, who have been allotted the land by the Bhoodan Yagya Committee, approached the Circle Officer for mutation which was registered as Case No. 6 of 1996-97. The notice was issued by the office of the Circle Officer to the writ-petitioner that he may file his objection by 29.07.1996. However, before that the case was placed on 19.07.1996 and the Circle Officer directed for mutation of the land in the name of the private respondents on the ground that no objection was received from any person. Feeling aggrieved by the order passed by the Circle Officer, the original writ-petitioner preferred appeal before the D.C.L.R. which was registered as Appeal No. 19 of 1996-97. The D.C.L.R. dismissed the appeal vide order dated 15.03.1997. The original writ-petitioner approached the Additional Collector by way of Revision



Application being Revision Case No. 29 of 1997-98. The Additional Collector vide order dated 10th June, 1998 remanded back the matter to the D.C.L.R. That after the remand, the D.C.L.R. considered the case of the writ-petitioner and allowed the appeal of the petitioner. Against that order the private respondents herein preferred revision before the Collector being Revision Case No. 39 of 1999-2000. The Collector allowed the said Revision Application of the private respondents herein vide order dated 17th March, 2005. The order dated 17th March, 2005 passed by the Additional Collector, Muzaffarpur in Mutation Revision No. 39/1999-2000 was subject matter before the learned Single Judge. That by the impugned judgment and order the learned Single Judge has allowed the writ petition preferred by the appellant herein and has quashed and set aside the order passed by the Additional Collector, Muzaffarpur and has remanded the matter back to the Circle Officer to consider the dispute with respect to mutation. Despite the fact that by the impugned order the learned Single Judge has allowed the writ petition preferred by the appellant herein, the original writ-petitioner has preferred the present Letters Patent Appeal on the premise and on the ground that the learned Single Judge has also set



aside the observations made by the D.C.L.R. in his order dated 13.03.1999 in respect of the proceedings with the Bhoodan matter.

3. Having heard learned counsel appearing on behalf of the respective parties and considering the impugned order passed by the learned Single Judge, we are of the opinion that as such the learned Single Judge has not observed anything in respect of the proceedings with the Bhoodan matter. On the contrary, the learned Single Judge has specifically clarified that this Court is not passing any order with respect to the proceedings with the Bhoodan matter. Any observations made in the mutation proceedings were only with respect to the mutation entry and any reference to the Bhoodan matter was only for the purpose of mutation entry. It is required to be noted that as such earlier vide order dated 10th June, 1998 the Collector remanded back the matter to the D.C.L.R. and gave direction to find out who is/was the real owner of the property in question. Nothing is on record that thereafter any further order is passed in respect of the Bhoodan matter. As observed hereinabove, the learned Single Judge has not observed anything in respect of the proceeding with the Bhoodan matter and the learned Single Judge has specifically



observed that the petitioner is at liberty to take appropriate steps in accordance with law with respect to the proceedings that took place under the Bhoodan Yagna Act. We are in complete agreement with the view taken by the learned Single Judge.

3.1. In view of the above and for the reasons stated above, the present appeal fails and the same deserves to be dismissed and is accordingly dismissed with the above observations.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	03.10.2018
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