

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.150 of 2014

In
Civil Writ Jurisdiction Case No.2406 of 2003

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Dinesh Kumar Mishra Son Of Late Atma Ram Mishra Resident Of Supaul,
Ward No.2, District And P.S.- Supaul Appellant/s

Versus

1. The State Of Bihar, Through Its Chief Secretary, Old Secretariat, Patna
 2. Commissioner, Khoshi Circle, Saharsa
 3. Additional Collector, Supaul
 4. Sub Divisional Officer, Supaul
 5. Circle Officer, Supaul
 6. Smt. Nirmala Devi Wife Of Sri Rabindra Kumar Singh Resident Of Supaul,
Ward No.2, District & P.S.- Supaul
 7. Smt. Shakuntala Devi Wife Of Sri Sita Ram Singh Resident Of Supaul, Ward
No.2, District & P.S.- Supaul
 8. Smt. Lalita Devi Wife Of Sri Hare Ram Singh Resident Of Supaul, Ward
No.2, District & P.S.- Supaul
 9. Smt. Nirmala Devi Wife Of Sri Indra Deo Singh Resident Of Supaul, Ward
No.2, District & P.S.- Supaul Respondent/s
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Appearance :

For the Appellant/s : Mr. Ratnesh Kumar Singh
For the Respondent/s : Mr. K.P. Gupta

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 25-01-2018

Heard learned counsel for the appellant and learned counsel
for the State.

The present intra-court appeal has been preferred by the
appellant, who was the petitioner before the writ court, because his
writ got dismissed on 26.06.2013, when the Learned Single Judge
refused to interfere with any of the orders of the Revenue
Authorities, i.e., the Sub-Divisional Officer, Supaul; the Additional



Collector, Supaul; as well as the revisional authority, the Commissioner, Koshi Circle, Saharsa.

A decision was taken by the authorities in exercise of power conferred under Section 4 (h) of the Bihar Land Reforms Act, which held alienation of 2 bighas, 15 kathas and 19 dhurs of Gairmazrua Khas Land with building standing thereon in C. S. Plot No. 1623, to be a government property, which vested in the State, since the so called alienation by the ex-landlord by a registered sale-deed in favour of the appellant, admittedly, was executed vide Sale-deed No. 3613, dated 14.05.1951, that is, much after the cut-off date, laid down in the Statute, i.e., 1st of January, 1946.

The Learned Single Judge after going through the records agreed with the concurrent findings of fact by all the three Revenue Authorities that the land in question belonged to the ex-landlord and the same was being used as a Cutchery and the transfer was effected by the ex-landlord by a sale-deed, dated 14.05.1951 with the object of defeating the rigors of the Bihar Land Reforms Act.

The learned counsel for the appellant submits that in none of the decisions, especially that of the Sub-Divisional Officer, any satisfaction has been recorded and, therefore, in terms of the



decision rendered by the Hon'ble Supreme Court in the case of *The State of Gujarat Vrs. Patil Raghav Natha & Ors., reported in AIR 1967 Supreme Court 295*, the order is vitiated and, therefore, all the orders must go.

The reliance on the above-mentioned decision in the case of The State of Gujarat (supra) has no applicability to the present set of facts for the reason that the satisfaction will not be recorded in the conclusion. The conclusion was arrived at after satisfaction was reached, which has been dealt with in the earlier part of the order and, therefore, it is not a case of non-application of mind and absence of satisfaction.

The other submission made on behalf of the appellant is that any authority, especially a statutory authority must exercise power within a reasonable time-frame and in this regard reliance has been placed on a Hon'ble Supreme Court's decision, rendered in the case of *Barium Chemicals Ltd. & Anr. Vrs. The Company Law Board & Ors., reported in (1969) 2 SCC 187* (emphasis is on paragraph 11).

With due respect to the learned counsel for the appellant, reliance on this decision is again misplaced. The discovery once made by an authority with regard to any act done by a person with the object of defeating the provisions of the Bihar Land Reforms Act, cannot be bound within any calendar. These are natural discoveries, which are made over a period of time, because of many



a factors, including the fact that many of such transactions at times have been carried out in secrecy and camouflage from the authorities at the time of abolition of Zamindari. Looking at the sheer magnitude of the transaction of the land and such persons involved, it is not possible for a court of law to fix a time-frame within which such power under Section 4 (h) can be exercised by the Revenue Authorities.

For reasons, as above, we do not find any infirmity in the decision of the Learned Single Judge. The findings of facts as well as law is loaded against the appellant. Therefore, we are disinclined to interfere with the order of the Learned Single Judge, especially when there is no denial by the appellant that the alienation or the right with regard to the property in question was derived by virtue of a sale-deed, executed by the ex-landlord on 14.05.1951 in breach of statutory cut-off date of 1st of January, 1946.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

skm/-

(Nilu Agrawal, J)

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