

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12485 of 2019

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Suresh Singh Son of Late Bengali Singh Resident of Village- Chaturang
Kadhan @ Karhania, P.S. and Anchal- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms Department, Bihar, Patna.
2. The Bihar Land Tribunal Patna.
3. The Collector Vaishali, Hajipur.
4. Ramjee Singh Son of Late Ram Lakhan Singh R/o Village- Chaturang Kadhan @ Karhania, P.S.- and Anchal- Mahua, District- Vaishali.
5. Vimal Devi W/o Maheshwar Singh R/o Vill.- Mahusinghsarai, P.O. and P.S.- Anchal- Mahua, District- Vaishali.
6. Urmila Devi W/o Ram Lalit Singh R/o Vill.- Kajri Bhath, P.O.- Pohiyar, P.S.- Jandaha, District- Vaishali.
7. Parwati Devi W/o Suresh Singh R/o- Singhyahi @ Chak Abdulganj, P.O.- Laxmanpur, P.S.- Jandaha, District- Vaishali.
8. Nirmala Devi W/o Jai Narayan Singh R/o Vill.- Bajitpur Gobind, P.O.- Kutubpur, P.S.- Bidupur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Respondent/s : Mr.Subash Chandra Yadav (GP-15)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-06-2019 Though this application has been listed under the heading “for office notes”, with the consent of the parties, it has been disposed of on merits.

2. Heard learned counsel for the parties.

3. An order dated 24.12.2018 passed by the Bihar Land Tribunal, Patna in BLT Case No. 699 of 2018 has been put to challenge in the present writ application. It transpires that an



application was filed by the petitioner under Section 32 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter referred to as 'the Act') against a sale deed dated 20.04.2007, executed by one Most Ram Pyari Devi, whose heirs/legal representatives are there on record. The said application was rejected by an order dated 03.07.2018, passed by the Collector, Vaishali, which order was put to challenge before the Bihar Land Tribunal. It is noteworthy that the Collector rejected the petitioner's application by his order dated 03.07.2018, in the light of the notification issued on 19.01.2018 by the Revenue and Land Reforms Department, Government of Bihar issued under Section 4 A of the Act and thus, the earlier notification under Section 3(a) of the Act was cancelled.

4. Subsequent to passing of the order dated 03.07.2018 by the Collector, Vaishali, the Revenue and Land Reforms Department, came out with another notification dated 21.08.2018 modifying the earlier notification dated 19.01.2018 with certain clarification to the effect that pending appeals and revision for which the Director, Consolidation, Bihar has been empowered to hear and dispose of the cases shall be disposed of by the Director, Consolidation.



5. Section 4A of the Act reads thus:-

“4A. Cancellation of notification under Section 3- (1) it shall be lawful for State Government at any time to cancel the notification made under Section 3 in respect of the whole or part of the area specified therein.

(2) Where a notification has been cancelled in respect of any unit under sub-section (1) such are shall, subject to the final orders relating to the correction of land record, if any, passed on or before the date of such cancellation, ceases to be under Consolidation operations with effect from the date of the cancellation.”

5. This is not in dispute that no appeal or revision of the petitioner was pending on the day when the notification dated 19.01.2018 cancelling the consolidation proceeding was issued. Subsequent notification dated 21.08.2018 has been brought on record by way of Annexure-3 from which it is evident that the Director, Consolidation, Bihar has been authorized to consider and decide only appeal and revision cases.

6. Learned counsel appearing on behalf of the petitioner has attempted to convince this Court that even the original application filed by the petitioner before the Collector for cancellation of the sale deed should be read within the



meaning of “appeal and revision”. The said submission cannot be accepted.

7. I find no illegality in the order of the Tribunal, requiring this Court’s interference.

8. This application is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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