

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16751 of 2019

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Dwarika Ahir @ Dwarika Yadav Son of Biltu Ahir @ Biltu Yadav R/o-
Village- Mahadah, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Patna.
2. The Bihar Land Tribunal Patna.
3. The District Magistrate Buxar.
4. The Consolidation Officer Buxar.
5. Lalan Yadav S/o Dwarika Yadav R/o- Village- Mahadah, P.S.- Buxar (M), District- Buxar.
6. Dasiya Devi W/o Late Sudarsan Yadav R/o- Village- Mahadah, P.S.- Buxar (M), District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)
Dr. Kamal Deo Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-08-2019 Heard both sides.

The petitioner by filing this writ petition seeks quashing of the order dated 14.03.2019 passed by the learned Chairman, Bihar Land Tribunal in B.L.T. Case No.449 of 2018 by which the order dated 10.04.2018 passed by Collector in Case No.1 of 2015 cancelling three sale deeds executed by Dasiya Devi, respondent No.6 in favour of respondent No.5, Lalan Yadav are declared null and void.

The learned counsel for the petitioner submits that the petitioner filed petition before the Collector stating therein that



Dasiya Devi, the co-sharer of the petitioner, executed sale deeds without obtaining permission from the consolidation authority and the Collector declared all the four sale deeds executed by respondent No.6 as null and void due to lack of permission by the competent authority during the consolidation proceedings. It is further submitted that B.L.T. has committed error and illegality in holding that since the petitioner moved the petition for setting aside the sale deeds after 8-9 years from the date of execution of the sale deeds, the Collector should not have entertained the petition and the Collector passed the order being unmindful of the fact that the petitioner has no title over the land. It is submitted that Collector has nothing to see the title of the petitioner or the vendor of the sale deed but I find no reason to interfere in the order as the petitioner is stranger. The title and possession of vendor of the sale deeds was declared vide judgment and decree passed in Title Suit No.151 of 2000 and the petitioner had no locus to file petition for setting aside the sale deeds executed by Dasiya Devi in favour of Lalan Yadav, respondent No.5. The question of title has been put at rest by the Hon'ble Supreme Court. The Collector has no jurisdiction to set aside the sale deeds at the instance of the stranger under Section 32 of the Consolidation Act that too on the petition filed by the



petitioner, who lost the suit upto the Hon'ble Supreme Court,
after more than nine years from the date of execution of the sale
deeds.

Thus, this writ petition is dismissed as devoid of any
merit.

(Prabhat Kumar Jha, J)

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