

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19620 of 2012

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Raj Narayan Roy @ Raj Narayan Son of Late Nageshwar Roy, Resident of
Village- Durashan, P.O. and P.S.- Dumri, District- Buxar Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate cum Collector, Buxar.
3. The L.R.D.C., Dumrao.
4. The Circle Officer, Simri.
- 5.1. Sidnath Roy,
- 5.2. Laxmi Narayan Roy,
- 5.3. Hareram Roy, All Sons of Late Shiv Pujan Roy, All R/o Vilage- Durashan,
P.S. and P.O.- Simri, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Manikant Mishra

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 23-07-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking quashing of the order dated 31.05.2012 passed by the Collector, Buxar in Revision Case No. 29 of 2003/101 of 2006, whereby an order dated 25.10.2002 passed by the Deputy Collector Land Reforms in Misc. case No.03 of 2002 has been set aside. The petitioner is also seeking a direction to the respondents to explain as to under what mysterious circumstance name of Respondent No.5 (Shiv Pujan Roy) has been recorded in the Jamabandi Register in respect of land appertaining to survey



Khata No. 196/6, Chak No. 226, Plot No. 841, Chak No. 662, Area 0.09 and Plot No. 842 0.39 (Total area 0.48), sub-Division, Dumaraon, Circle Simri, Halka-9 and Sub-Division Dumaraon.

3. It is the case of the petitioner that he belatedly learnt that a fraud had been committed in respect of his ancestral land by getting entries made in Jamabandi Register in the name of respondent No.5 *vide* Mutation Case No. 83.1979-80 and accordingly he preferred a Misc. Appeal 03 of 2002 in the Court of the Deputy Collector Land Reforms, Buxar against the order of the Circle Officer, Simri in respect of the aforesaid land. The Deputy Collector Land Reforms allowed the Misc. Appeal No. 03 of 2002 filed by the petitioner by an order dated 25th October, 2002. Aggrieved by the said order, revision application was filed, giving rise to Revision Case No. 29 of 2003/101 of 2006 before the Collector, Buxar, which has been allowed by the impugned order dated 31.05.2002.

4. Learned counsel appearing on behalf of the petitioner has submitted that the Collector has interfered with the order passed by the Deputy Collector Land Reforms only on the ground that the appeal was belatedly preferred, more than two decades after the order of the Circle Officer was passed in



Mutation Case No. 83 of 1979-80. He submits that the Collector failed to appreciate the manner in which the mutation was allowed in favour of Shiv Pujan Rai.

5. Learned counsel appearing on behalf of the private respondents No.5 (i) to (iii) and the State Respondents defend the impugned order and submit that the learned Collector, Buxar has taken into account all the relevant aspects of the matter before interfering with the order of the Deputy Collector Land Reforms.

6. I have perused the impugned order as well as the order passed by the Deputy Collector Land Reforms dated 25.10.2002. The order dated 25.10.2002 passed by the Deputy Collector Land Reforms was apparently cryptic and based on his '*prima facie*' opinion. He has recorded in his order that '*prima facie*' Jamabandi in favour of respondent No.5 appeared to have been created by an act of fraud of *Halka Karamchari*. After having recorded his 'one line finding' to the aforesaid effect, without discussing any material on record, he cancelled the Jamabandi, created 22 years ago. After having done so, the Deputy Collector Land Reforms required the petitioner to apply for mutation before the Circle Officer and the Circle Officer was in turn, directed to dispose of the petitioner's application, in



accordance with law.

7. It appears from the impugned order dated 31.05.2012 that the learned Collector, Buxar examined the entire records and reached a conclusion that partition chart was prepared among the co-sharers nearly 22 years ago on the basis of which chak Khatiyani was also prepared. He also took note of the fact that in the proceeding before the Deputy Collector Land Reforms the co-sharers were not impleaded as parties. The most glaring aspects which the Collector noticed was that as a matter of fact, no proceeding at all was initiated nor any date was fixed by the Deputy Collector Land Reforms before he passed the order dated 25.10.2002. In the records, only final order of the Deputy Collector Land Reforms was there. In that background, the Collector, Buxar allowed the revision application and set aside the order of the Deputy Collector Land Reforms.

8. After having perused the order of the Deputy Collector Land Reforms and the impugned order dated 31.05.2012 passed by the Collector, Buxar, I am of the view that the learned Collector, Buxar rightly interfered with the order of the Deputy Collector Land Reforms, which did not disclose any application of mind at all, which was passed by 22 years after Jamabandi was created. It is noteworthy that Chakbandi



Khatiyan was also prepared. Ignoring all these aspects, the Deputy Collector Land Reforms had passed the order dated 25.10.2002, which has rightly been interfered with by the Collector, Buxar. The impugned order does not require any interference by this Court.

9. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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