IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.672 of 2009

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Nand Kumar Thakur, son of Chhitan Thakur, resident of village-Bhuskaul, P.S.-Darbhanga, District-Darbhanga.

... ... Appellant/s

Versus

1 The State of Bihar
2. Divisional Commissioner, Darbhanga.
3. Settlement Officer, Darbhanga, District-Darbhanga.
4. Shri H.N. Kanth, the Charge Officer, Darbhanga.
5. Indra Maya Devi, wife of Late Sukhdeo Mishra.
6. Binay Kumar Mishra, son of Late Sukhdeo Mishra.
7. Praveen Kumar Mishra, son of late Sukhdeo Mishra.
8. Manju Devi, wife of Late Nilamber Mishra.
9. Bal Krishna Mishra, son of late Nilamber Mishra.
10. Gopi Krishna Mishra, son of Late Nilamber Mishra.
11. Navin Mishra @ Navin Kumar Mishra, son of Late Abhiram Mishra.

All are residents of village-Bhuskaul, P.S.-Sadar Darbhanga, District-Darbhanga.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Thakur, Advocate
For the Respondent/s	:	Mr. Arun Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 17-02-2020

In view of judgment passed by the Special Bench dated 21.02.2019, wherein the Bench has decided the scope and contour of power conferred under Section 104-G (2) of Bihar Tenancy Act, 1885, in which the Court has said that in exercise of power of revision, the Court will examine the material and has power to revise any order and decision made by himself or by any other revenue authority and decide the case as per the material available therein, however, the learned Single Judge has not decided the case on merit rather, placing reliance on the judgment of ***Ram Kishun Mandal and Anr. Vs. The State of Bihar and Ors. reported in 1987 PLJR 291***, wherein the Court has held that the power of review can only be exercised when there is apparent error of record and held that in the light of the aforesaid authoritative enunciation, the answer to question no.3 is rendered in the negative and it is held that the Revenue Officer acting under Section 103-A (3) of the Act has no inherent power to review his own decision till the final publication of the record of rights. That judgment has been overruled by the Special Bench.

In such view of the matter, the order of learned Single Judge is set aside and the matter is relegated to the learned Single Judge to decide the case on its own merit in view of the judgment dated 21.02.2019 passed by the Special Bench.

Accordingly, this appeal is allowed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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