

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13400 of 2016

=====

Savita Sahay, Wife of Late Madan Sahay, Resident of Budh Marg, Opposite
Museum, P.S. Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Member , Administrative, Bihar Land Tribunal, Patna.
3. The Collector, Nalanda.
4. The Additional Collector-cum-Additional District Magistrate, Nalanda.
5. Land Reforms Deputy Collector, Rajgir District- Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the State : Mr. Jainendra Kumar Sinha, AC to SC 17

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioner and learned AC
to SC 17 for the State.

2. The petitioner has moved the Court for the following
reliefs:

“(i) For quashing the order dated 6.4.2016 passed by the Member, Administrative, Bihar Land Tribunal, Patna, by which he has been pleased to dismiss the B.L.T. Case no. 259 of 2015 on erroneous grounds relying upon the order passed by the Additional Collector, without applying judicial mind.

(ii) For quashing the order dated 13.11.2014 passed by the Additional Collector-cum-Additional District Magistrate, Nalanda in Mutation Revision Case no. 21/2013-14 by which he has rejected the revision application.



(iii) For quashing the order dated 12.11.2013 passed by the Land Reforms Deputy Collector, Rajgir, Nalanda in Rent fixation case no. 4/2013 by which he has dismissed the case.

(iv) For quashing recommendation of Anchal Adhikari, Rajgir dated 11.11.2012 by which he has expressed his erroneous report stating therein that fixation of Rent of the land in question is not appear to the proper.

(v) For issuance of direction to the respondent authority to Fix the Rent of the land in question in name of petitioner.

(vi) For issuance of such other appropriate order or direction which may deem fit and proper for the ends of justice in the facts and circumstances of this case.”

3. In essence, the grievance of the petitioner is that the land purchased by him was recorded in the name of the ancestors of his vendor and only on a frivolous ground, it has been held that the land does not belong to him.

4. Learned counsel for the petitioner submitted that at least he should have one opportunity of proving his case before the authorities concerned, along with his vendor, who would be in a better position to show materials in support of his right and title over the land.

5. The Court finds substance in the contention of learned counsel for the petitioner.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation before the Collector, Nalanda (respondent no. 3) bringing on record all



materials in support of his claim, either pertaining to himself or to his vendor. If such representation is filed within four weeks from today, the Collector, Nalanda shall get the matter verified from the records and after giving an opportunity of hearing to the petitioner, shall pass a detailed and reasoned order within three months from the date of filing of such representation.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

