

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 399 of 2022

1. Raghu Rai Ram, S/o Late Manni Ram.
2. Nitish Kumar
3. Binod Kumar
Both Sons of Raghu Rai Ram
All residents of Village-Khurmabad, P.O.-Mahuwat, P.S.-Sonhan, Anchal-Bhabhua, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector Kaimur at Bhabhua.
3. The Consolidation Officer, Bhabhua.
4. The Director of Consolidation, Bihar, Patna.
5. The Bihar Land Tribunal, Patna.

..... Respondents 1st Set

6. Kashi Nath Singh, S/o Late Sheetal Singh.
7. Ram Kumar Singh.
8. Deo Kumar Singh.
9. Lallan Singh.
All Sons of Late Jamuna Singh.
10. Manju Kuer W/o Late Vijay Singh and granddaughter of Late Yamuna Singh.
11. Ankit Kumar, S/o Late Vijay Singh and grandson of Late Yamuna Singh.
All resident of Village-Khurmabad, P.O.-Mahuwat, P.S.-Sonhan, Anchal-Bhabhua, District-Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Achhaibar Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, Gp18

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 31-03-2022

Heard the parties.

The case is being taken up from defect side.



Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

The petitioners by way of this writ petition assails the judgment passed by the Bihar Land Tribunal, Patna, submits that the Consolidating authority has reached to a finding that the land in question of the petitioners is by way of inheritance and, therefore, the land could not have been sold.

I have considered the submission. A revision petition against the order of consolidation authority was filed and the order was passed in favour of the respondents. Against the said order appeal was preferred before the Bihar Land Tribunal, Patna and after hearing all the parties, the Bihar Land Tribunal, Patna reached to the conclusion that a title suit has been filed before the Civil Court, wherein three brothers of Mani Ram deposed and accepted that their grandfather had executed a sale deed in favour of the respondents and therefore, the respondents came into the possession and their name was recorded in the revisional survey and subsequently mutation order was also passed in favour of the other vendors.



A finding of fact has also been arrived and it has been recorded against the title suit, appeal was preferred which was dismissed and a second appeal was also filed by the petitioners which also was dismissed, and, therefore, it was finally adjudicated that the land has come into possession of the respondents after due execution of sale deed and a finding has also been given by the Bihar Land Tribunal, Patna that the petitioners are seeking to overrule the judgment of the Civil Court which has gone against them. It is also stated in the order that the respondents are absolute owners of the land in dispute and in possession and are cultivating the land.

Keeping in view thereto, it has reached to the conclusion that the Consolidation Officer has failed to take into consideration the aforesaid aspect and the order passed by the Revisional Authority did not warrant interference by it.

Having noticed the judgment passed by Bihar Land Tribunal, Patna, as above, this Court finds that the same does not require to be interfered with as all factual aspects and consideration relating to the effect of judgment passed in the title suit, and also that the appeal and the second appeal have been rejected have been taken into consideration.



In the circumstances, it cannot be said that there is any legal infirmity in the judgment. The scope of interference under Article 227 with regard to the adjudication by the Bihar Land Tribunal, Patna is limited to jurisdictional aspects and error of law. As no such infirmity can be said to have been committed by Bihar Land Tribunal, Patna, no interference is warranted.

The writ petition is misconceived, stands dismissed.

(Sanjeev Prakash Sharma, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

