

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18757 of 2014

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Ram Singar Paswan son of Late Bihari Paswan, Resident of Village-
Baghalpur, P.O.- Rampur Bazar, P.S.- Deshri, Anchal- Sahdei Buzurg,
District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Director Consolidation, Vaishali
3. Circle Officer, Anchal Sahdei Buzurg, District- Vaishali
4. Karam Paswan son of Late Ram Pratap Paswan, Resident of Village-
Baghalpur, P.O.- Rampur Bazar, P.S.- Deshri, Anchal- Sahdei Buzurg,
District- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Adv.
For the Respondent/s : Mr. Rajesh Singh, GP-16

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 12-07-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ application has been filed for
quashing the order contained in B.L.T. Case No. 648 of 2013
dated 24.06.2014 passed by the Chairman Bihar Land Tribunal,
Patna.

3. Learned counsel for the petitioner submits that
the dispute is relating to Revisional Survey Plot No. 274 for 1
decimal and Revisional Survey Plot No. 271 for 4 decimal
situated in *mauza* Baghelpur Revenue P.S. No. 558 *Anchal*,
Deshri District- Vaishali.

4. Learned counsel for the petitioner submits that vide order dated 24.06.2014, the case of petitioner has not been considered by the B.L.T., Patna and, therefore, this order is to be declared as void and illegal and as well as without jurisdiction.

5. Learned counsel for the State submits that the order passed by the B.L.T., Patna is a well reasoned order and required no interference.

6. Learned counsel for the private respondent no. 4 submits that before the B.L.T., Patna both the present petitioner and the private respondent no. 4 were heard in detail through their advocates. Counsel submits that the revision application of the petitioner was rejected by the Director Consolidation, Patna on the ground that he want correction after lapse of 16 years by way of setting aside the order dated 14.12.1995 passed by the Deputy Director Consolidation, Vaishali in exercise of power under Section 33(A) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 [Bihar Act 22 of 1956].

7. Learned counsel for the petitioner further submits that the claim of the petitioner is not relating to 4 decimal of land appertaining to Revisional Survey Plot No. 271. Counsel further submits that the said land was executed in favour of the petitioner's ancestor in the year 1953.

8. After revisional survey operation, 1 decimal land of petitioner was mutated in the name of private respondent no. 4 and no objection was ever been raised by any of his ancestors.

9. Upon entry in the records of right, it has not been challenged by the petitioner's father and during consolidation of petition, no objection was filed. After de-notification of the consolidation operation under Section 26(A) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 [Bihar Act 22 of 1956], opposite party has filed a Case No. 537 of 1995 before the Deputy Director, Consolidation, Vaishali under Section 33(A) in which notices were issued to all concerned and thereupon in the year, 1995 order was passed.

10. Learned counsel for the private respondent no. 4 submits that private respondent is the heir of privileged person and total 13 decimal of land was settled to him under the provision of the Bihar Privileged Persons Homestead Tenancy Act, 1947 [Bihar Act IV of 1948] and *Jamabandi* has been created in the name of private respondent no. 4 bearing *Jamabandi Khata* No. 709.

11. Upon confirmation of the order dated 14.12.1995, the present petitioner after lapse of 16 years, filed

revision application in the year 2011, bearing Consolidation Revision Case No. 9 of 2011 which was dismissed. Thereafter, the case has been preferred before the B.L.T., Patna and the B.L.T., Patna upon considering the case on merit has passed final order on 24.06.2014 in B.L.T. Case No. 648 of 2013.

12. It is nowhere mentioned in the petition that what was the date of knowledge/ cause of action for the petitioner to sue for the said correction under law, even for declaration of a title, the limitation is 3 years.

13. Here in the present case, 16 years have already been lapsed and the specific date of cause of action has also not been mentioned at any level of the proceeding.

14. As such, this Court does not found any reason to interfere in the order passed by the B.L.T., Patna and, therefore, this writ petition stands dismissed.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2023
Transmission Date	NA