

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7729 of 2018

1. Gorakh Nath Ram, son of Sri Ram Chij Ram,
2. Krishna Gopal Rai, son of Sri Brij Kishore Rai,
3. Vijay Narayan Choubey, son of Late Kashi Nath Choubey,
4. Ram Barai Ram, son of Late Snehi Ram,
5. Shiv Prasad Ram,
6. Sant Ram,
Both sons of Late Snehi Ram,
7. Sillu Prasad Singh, son of Late Bishundhari Singh,
All residents of Village- Kharati, P.O. Chandesh, P.S.- Kurahani, Anchal-
Nuaon, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Kaimur at Bhabua.
2. The Director of Consolidation, Bihar, Patna.
3. The Joint Director of Consolidation, Bihar, Patna H.Q.
4. The Consolidation Officer, Ramgarh- Nuaon, District- Kaimur at Bhabhua.
5. The Circle Officer, Nuaon, District- Kaimur at Bhabhua.
6. Rajgrihi Ram, son of Late Bhagelu Ram, Resident of Village- Kharati, P.O.
Chandesh, P.S.- Kurahani, Anchal- Nuaon, District- Kaimur at Bhabhua.
7. The Principal Secretary, Land Reforms, Government of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ras Bihari Thakur, Advocate
For the State	:	Mr.Ajay, GA-5
For the 6 th Respondent	:	Mr. Priyajeet Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-04-2024

The Public Interest Litigation is filed on the



ground that the 6th Respondent occupying the land which was a public pond settled for fisheries.

2. The contention of the petitioners is that the 6th Respondent filed an application under Section 35 of the Consolidation Act before the Director of Consolidation, which was allowed as per Annexure-P/3 dated 14.02.2017. By the said application, what was sought was rectification of the Chak Khatyan and Chak Map. The order allowed the prayer of the petitioners.

3. The learned Counsel for the petitioners referring to Annexure-P/4, issued under the Right to Information Act, points out that the consolidation proceedings in that area was de-notified under Section 26(A) on 31.03.2008. In such circumstances, the Director, Consolidation was *functus officio* and he could not have issued the order at Annexure-P/3.

4. The learned Counsel appearing for the 6th Respondent, however, asserts that he has been issued with Settlement *Parvana*, as is seen from Annexure-A, produced by the 6th Respondent himself. The petitioners' contention is that those have been fraudulently issued.



5. The learned Government Advocate, on instructions submits that there is some suspicion as to the settlement issued by Annexure-A series.

6. This Court had directed the production of the originals, three of which, as included in Annexure-A, have been produced and two are still to be produced. It is submitted that the Additional Chief Secretary may be directed to consider whether any fraud has been employed insofar as the issuance of the settlements.

7. Trite is the principle that the fraud vitiates everything. In such circumstances, especially since the Government itself raises a suspicion, we think it appropriate that the matter be referred to the Additional Chief Secretary, who is the 7th Respondent. The Additional Chief Secretary, Land Reforms shall issue notice to both the petitioners and the 6th Respondent and consider the matter. The originals of the settlement shall be produced before the Additional Chief Secretary.

8. The originals, as produced before this Court, shall be returned to the 6th Respondent's Counsel on approaching the Registry, with self-attested copies of the



same. The Registry shall obtain acknowledgment of the 6th Respondent’s Counsel.

9. The writ petition stands closed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.04.2024
Transmission Date	

