

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11387 of 2024

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Kunti Devi W/o Lekhdahari Singh R/o Village and P.O.-Khajuri, P.S.
Naubatpur, Distirct-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Bihar Land Tribunal through the Registrar, 11th off, Polo Road, Patna.
3. The Deputy Collector Cum Land Reforms Officer, Danapur, Patna.
4. The Circle Officer, Naubatpur, District- Patna.
5. Sanjay Kumar S/o Triveni Singh R/o Village and P.O.-Khajuri, P.S. Naubatpur, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar Gupta, Advocate
For the Resp-State	:	Mr. Akash Chaturvedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-08-2024

Heard Mr. Sujeet Kumar Gupta, learned counsel for the petitioner and Mr. Akash Chaturvedi, learned counsel for the State.

2. The petitioner is aggrieved by the order dated 04.04.2024 passed by the learned Chairman, Bihar Land Tribunal, Patna in BLT Case No. 164 of 2023 by which the learned Chairman has affirmed the order dated 15.02.2022 passed by the Deputy Collector Land Reform, Danapur, Patna (for brevity “the DCLR, Danapur”) in Mutation Appeal No. 04/2021-22 whereby the DCLR, Danapur has affirmed the order passed by the Circle Officer, Naubatpur in Measurement Case No.-27/2020-21.



3. Learned counsel for the petitioner contended that the plot in question was purchased by the petitioner vide Sale Deed No. 8562 dated 19.08.2003 from Damarai Sah and Mosmat Ram Pyari Devi. The two plots purchased by the petitioner are adjoined together as 2 decimal + 1 decimal, the description of which has been mentioned in para-6 of the writ petition. It is further contended that after purchase of the said land, for fixation of rent, the petitioner filed Case No. 02/2003-04 before the DCLR, Danapur and vide order dated 24.12.2003, an order has been passed in favour of the petitioner to pay rent. Accordingly, the petitioner has been paying rent to the State. In the meantime, respondent no.5 filed a Measurement Case No. 3/2009-10 before the Circle Officer, Danapur for demarcation of his land and accordingly measurement was done by Anchal Amin, the copy of which has been marked as Annexure P6 to the writ petition. By suppressing the aforesaid fact, the private respondent again filed another Measurement Case bearing no. 27/2020-21 before the Circle Officer, Danapur and a fresh measurement report contrary to the earlier measurement report has been prepared in absence of the petitioner, is the contention of the learned counsel for the petitioner. The copy of the report dated 12.08.2021 is marked as Annexure-7 to the writ petition.



4. Learned counsel for the petitioner further contended that on being aggrieved, the petitioner preferred Measurement Appeal No. 4/2021-22 before the DCLR, Danapur but it came to be dismissed on 15.02.2022 without any interference in the order of the Circle Officer. The petitioner, thereafter, approached before the Bihar Land Tribunal, Patna vide BLT Case No. 164 of 2023, however, that also stood dismissed vide order dated 04.04.2024 and the order of the DCLR, Danapur has been affirmed; thus the present writ petition.

5. Assailing the order dated 04.04.2024 passed by the learned Tribunal in BLT Case No. 164 of 2024, learned counsel for the petitioner vehemently contended that the learned Tribunal has failed to consider that the entire case of respondent no.5 is based on suppression of fact, inasmuch as there was already a measurement report passed in favour of the petitioner in Case No. 03/2009-10 (Annexure P6) and thus the further report contrary to the earlier report prepared has no sanctity in the eyes of law.

6. *Per contra*, learned counsel for the State, referring to the order of the Bihar Land Tribunal, Patna has submitted that the DCLR, Danapur while dismissing the measurement appeal



had given liberty to the petitioner to file a measurement case as per his sale deed if he is dissatisfied with the Measurement Case No. 27/2020-21. The petitioner without availing the liberty so granted, approached before the Bihar Land Tribunal, Patna and learned Tribunal taking into consideration that the petitioner has also filed a case for cancellation of Jamabandi of the private respondent as well as there is Title Suit No. 266 of 2022 with respect to the same land pending in the Civil Court, Danapur, affirmed the order of the DCLR, Danapur; passed the order under challenge.

7. Having heard the rival contentions of the respective parties, this Court does not find any reason or occasion to interfere in the order of the Bihar Land Tribunal, Patna, which affirmed the order of DCLR, Danapur, wherein liberty has been accorded to the petitioner to get the land measured afresh on the basis of his duly executed sale deed.

8. The writ petition stands dismissed, with the liberty afore-noted.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-08-2024
Transmission Date	



