

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2706 of 2017

1. Jitan Singh, Son of Sri Ram Nath Singh
2. Raj Nath Singh Son of Late Bhukhan Singh
3. Shambhu Paswan Son of Late Gouri Paswan
4. Sudarshan Singh Son of Gopal Singh
5. Dharmendra Paswan Son of Late Haricharan Paswan
6. Bindhyachal Mourya Son of Gaya Singh
7. Ram Govind Singh Son of Late Baleshwar Singh
8. Santosh Singh Son of Late Saligram Singh
9. Brij Bihari Ram Son of Late Mohan Ram All residents of Village - Jalwashi, P.S. - Itarhi, District - Buxar.
10. Bhagwan Paswan Ex-Mukhiya, Gram Panchayat Harpur Jalwashi, resident of Village - Harpur, P.S. - It

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director, Consolidation, Bihar, Patna.
3. Deputy Director, Consolidation, Buxar.
4. Collector, Buxar.
5. Consolidation Officer, Itarhi, Buxar.
6. Circle Officer, Itarhi, Buxar.
7. Ram Awatar Singh Son of Late Raghubir Singh resident of Village - Jalwashi, P.S. - Itarhi, District - Buxar.
8. Bidyawanti Devi Wife of Late Bishwanath Dubey
9. Amarnath Dubey Son of Late Bishwanath Dubey
10. Ravindra Dubey Son of Late Bishwanath Dubey
11. Vinod Dubey Son of Late Bishwanath Dubey
12. Manoj Dubey Son of Late Bishwanath Dubey All residents of Village - Jalwashi, P.S. - Itarhi, District - Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uma Kant Tiwary
For the Respondent/s : Mr.Rishi Raj Sinha- Sc19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-02-2024

I.A. No. 2 of 2024.

The present petition has been preferred for
substitution of the name of the petitioner No.9, Brij Bihari Ram,



who died on 7.11.2020, leaving behind the heirs who have been incorporated in para 3 of the interlocutory application.

2. Learned counsel appearing on behalf of the respondents has no objection.

3. I.A. No. 2 of 2024 is allowed.

4. Let the name of heirs of petitioner No.9 be incorporated in the petition as petitioner No.11 onwards.

5. Office is directed to make necessary correction.

6. Heard the parties on merit.

7. The petitioner seeks following reliefs :-

(i) An appropriate writ, order or direction quashing the order dated 10.01.2017 (Annexure '6') passed by the Chairman, Bihar Land Learned Tribunal, Patna in BLT Case No. 221 of 2015, holding the same as illegal, be issued.

(ii) An appropriate writ, order or direction declaring the settlement by lease of Sarva Sadharan Gairmazarua Aam land in favour of respondent 2nd set as illegal, void and without jurisdiction, be issued.

(iii) An appropriate writ, order or direction commanding the respondents 1st set forbear from taking any step for renewal of any lease with respect to Sarva Sadharan Gairmazarua Aam land in favour of respondent 2nd set, be issued.

(iv) Further, pray for issuance of any other appropriate writ/writs, order/orders, direction/ directions and/or relief / reliefs which the petitioners are entitled to in the facts and circumstances of the case."

8. A counter affidavit on behalf of Collector, Buxar is on record and pare No. 12 to 15 reads as follows :-

12) That, however it is being humbly submitted that it is



fact that for lease settlement case no. 67/8 of 1963-64 only 1 acre 88 decimal Gairmajarua Aam land had been given on lease for only 30 years with the options of renewal for agriculture purpose on prescribed rent.

13) That from perusal of the order sheet your Honor will find that the lease was granted only for 30 years and also for agricultural purposes only. This applicant fraudulently entered his name proceeding consolidation as owner and title holder of lease land.

14) That the learned collector, Consolidation, Bihar, Patna in consolidation revision case no. 119 of 2010 under section 35 of Consolidation Act, Jitan Singh of the same village has challenged the entry of this petitioner and Vishwanath Dubey as title holder in consolidation proceeding and this proceeding vide order dated 2.1.2015 the learned Director Consolidation, Bihar, Patna has properly and correctly held that since the land has recorded in revisional as Gairmajarua Aam been survey the consolidation Officer has no jurisdiction to make any change in the entries revisional in view Survey the of provisions content in the sub section (2) of section 8 of the Consolidation passed the Act, order and has that the entries made in Chak Khatian i respect of the disputed land are set aside. Which is i accordance with the provision of the Act, which requires r interference.

(15) That vide order dated- 23.04.20123 the Hon'ble Patna High Court has hold that even otherwise also writ petition is not maintainable in CWJC No. 20479 of 2010.

9. In that background, learned counsel for the petitioner submits that they shall be appearing before appropriate authority in the redressal of their grievance.

10. The respondents have no objection.

11. The writ petition stands disposed of with aforesaid liberty.

(Rajiv Roy, J)

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