

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14864 of 2024

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Raja Ram Mahto @ Raja Ram Mehta, S/o Late Manogi Mahto @ Manogi Mehta, Resident of Village Keshobigha, Panchayat Baruna, P.O. Akorhi Gola, P.S. Akorhi Gola, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Land and Revenue Department, Govt. of Bihar, Patna.
2. The Director, Consolidation, Bihar, Patna.
3. The Assistant Director Consolidation, Rohtas at Sasaram.
4. The Consolidation Officer, Dehri.
5. The Gram Panchayat Baruna, through its Mukhiya, P.S. Akorhi Gola, District Rohtas.
6. Ram Ashish Mahto, S/o Sri Bhola Mahto, Resident of Village Kesho Bigha, P.S. Akorhi Gola, District- Rohtas.
7. Ram Deo Mahto, S/o Late Gharbharan Mahto, Resident of Village Kesho Bigha, P.S. Akorhi Gola, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate Mr. Sunil Kumar Singh No.10, Advocate
For the Respondent/s	:	Mr. Government Pleader (22)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-10-2024 Heard Mr. Ranjan Kumar Dubey, learned Advocate
for the petitioner and the learned Advocate for the State.

2. The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India in a representative capacity assailing the order dated 15.09.2022 passed by the learned member Judicial, Bihar Land Tribunal, Patna whereby the intervenor application of the petitioner has been rejected.



3. The petitioner also challenged the order/judgment dated 15.12.2023, whereby the learned Tribunal, while allowing the Bihar Land Tribunal Case No. 52 of 2022 has been pleased to set aside the order dated 27.11.1997, passed by the learned Director Consolidation in Revision Case No. 333 of 1997 and 334 of 1997 as also the order dated 12.08.1997 passed by the Assistant Director Consolidation in Appeal No. 01/97-98, 02/97-98 and on 03/97-98.

4. Learned Advocate for the petitioner made all the endeavor to persuade the Court that the impugned order passed by the Bihar Land Tribunal is affecting the rights and interest of the petitioner and others who are none else, but one of the intervenors/villagers, who had also filed his written note of argument before the Assistant Director Consolidation Rohtas (Sasaram) supporting the case of the State of Bihar. It is also contended that irrespective of the fact that three orders have been passed by the original Consolidation Officer against which the State had preferred three appeals but the private respondents have preferred only two revisions before the Director Consolidation and in the BLT only one case has been filed and thus, one of orders passed in appeal remained unchallenged, which fact has been completely overlooked.



5. The disputed lands are the lands which have been used by all the villagers since long and the public functions/parties are also being organized over the same. Despite the utmost importance of the land the State of Bihar has not properly defended its right and title and in fact in a collusive manner allowed the Bihar Land Tribunal, Patna to pass the order.

6. It is further contended that the petitioner has all along been filing application to implead the petitioner as an intervenor, but at no point of time his claim has been considered and, in fact, the Bihar Land Tribunal vide order dated 15.09.2022 has rejected the claim of the petitioner, without appreciating, his plea and the importance of the matter.

7. On a query made by this Court, as to whether the petitioner has/had ever been a party to the litigation right from the initial stage of the consolidation authority till Bihar Land Tribunal, it has been fairly contended that the petitioner had never been the parties to the proceeding before any of the consolidation authority.

8. This Court has also perused the order passed by the Bihar Land Tribunal, specially the order dated 15.09.2022 whereby the prayer of the petitioner to intervene in the matter



has been turned down. From the order afore-noted it appears that initially six persons have filed intervenor petition, wherein three of them have filed affidavit denying this fact that they have ever signed any paper for filing such an intervenor petition in the present case. They have also stated that they are also not interested in the matter involved in the present case. It is the admitted fact that the petitioner is one of the villager and he is trying to defend the case of the State on a representative capacity. The petitioner has never been a party before any of the consolidation authorities and moreover, the land in question is in the name of Anabad Bihar Sarkar.

9. On all the aforesaid counts, this Court does not find any merit in the writ petition and accordingly the writ petition stands dismissed.

10. Suffice it to say that, the State is the ultimate aggrieved party, if it has any grievance, adequate remedies are available to the State under the law to pursue the matter further, if opined.

(Harish Kumar, J)

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