

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1395 of 2024

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Satyanarayan Singh Son of Late Baijnath Singh, resident of Ward No. 14,
village - Babhnaul, P.S. - Dawath, District - Rohtas, Pin- 802211.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Govt. of Bihar, Patna.
2. The Joint Director, Consolidation (H.O), Budha Marg, Patna.
3. The Consolidation Officer, Dawath, District - Rohtas.
4. The Circle Officer, Dawath, Rohtas.
5. Jagnarayan Singh, Son of Late Chattoo Singh, resident of village - Babhnaul, P.S. - Dawath, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate
For the Respondent/s : Mr. S.C.-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2024 Heard Mr. Sunil Kumar Karn, learned Counsel for

the petitioner and the State.

2. The present petition has been preferred for the
following reliefs:-

*(i) for issuance of appropriate
writ/order/direction in nature of certiorari
commanding the respondents to set aside the order
dt 07-07-2023 passed in B.L.T. Case No.229/2023
by the Member (Judicial) Bihar Land Tribunal,
Patna, whereby and where under learned Member
has been pleased to dismiss the petition and*



affirmed the order dated 17-01-2022 passed in Revision Case No. 24/2021 by the Joint Director, Consolidation, Bihar to make amendment in the R.S.Map to the extent that one decimal land be cut from the plot no. 2607, which stands add the same in plot no. 2608 belonging to Respondent No.5 whereas one decimal land pertaining to Plot No. 2607 has been mutated in the name of petitioner in the survey Khatiyar and paying rent since 2005-2006. The order has been passed without issuing notice to adjoining raiyat in violation of principle of natural justice;

(ii) further for issuance of writ/order/direction in the nature of certiorari commanding the respondents to set aside the order dated 17-01-2022 passed in Revision Case No. 24/21 by learned Joint Director Consolidation, Bihar, Patna whereby and whereunder learned Director has been pleased to allow the revision petition filed by respondent No.5 and directed to make amendment in the R.S. Map to the extent that one decimal land cut from the plot no. 2607 add in



the plot no. 2608 without issuance of notice to adjoining raiyat.

3. The petitioner is challenging the order dated 07.07.2023 passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 229 of 2023 by which it has affirmed the order dated 17.01.2022 passed by the Joint Director, Consolidation, Bihar, Patna.

4. The Joint Director, Consolidation on the petition of respondent no. 5 having taken note of the fact that the said respondent has purchased five decimal of land (Plot No. 2608) but in one decimal of land has been included in Plot No. 2607 of the 'Anabad Bihar Sarkar'.

5. In that background, the revision case was allowed on 17.01.2022 with a direction to the Consolidation Officer, Dawath to take appropriate steps so that he gets five decimal of land. The petitioner thereafter preferred BLT Case No. 229 of 2023 before the Bihar Land Tribunal, Patna.

6. The petitioner was not before the Joint Director, Consolidation and is also not the State of Bihar. His claim is that the one decimal of 'Anabad Bihar Sarkar' land which has been ordered to be included in the name of the respondent no. 5 belongs to him where his house is also situated and if the order



of the Joint Director stands, he will suffer.

7. 'The BLT' took note of the facts as also the reply of the Circle Officer, Dawath and vide an order dated 07th July, 2023 dismissed the petition and the relevant part needs to be incorporated:-

"It transpires that in this case, the Circle Officer has filed parawise comments on the application fled by petitioner in which it has been stated that the land of Plot No. 2607 has been recorded in the name of State of Bihar and if any mutation of the same has been created in the name of petitioner, the same is forged and fabricated one."

8. Aggrieved the present writ petition.

9. Learned Counsel for the petitioner submits that rent receipt is in his favour, the claim that it is 'Anabad Bihar Sarkar' is misconceived. He has a house on the said land and in that background, both the orders need to be set aside.

10. Learned State Counsel pointed out that the Plot No.-2607 belongs to the 'Anabad Bihar Sarkar' and mere issuance of the rent receipt in favour of the petitioner cannot be ground for setting aside the concurrent orders.



11. Having gone through the facts of the case and submissions of the parties, this Court has taken note of the observation of ‘the BLT’ which has also been incorporated in above paragraph. Admittedly, the petitioner has not disputed the fact stated in the report that the area of Plot No.-2607 had more than one decimal than what is recorded in the revenue records while that of the respondent no. 5 was less than what is there in the records.

12. In that background, this Court is of the opinion that the order does not suffer from any infirmity. The writ petition stands dismissed.

(Rajiv Roy, J)

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