

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6795 of 2017

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Arun Kumar Thakur Son of late Ram Deni Thakur Resident of Village- Basti Khuajpur Pastara, P.S. Baligaon , District Vaishali Present residing at Mohalla- Ramna Raju Sah Lane, P.S. Mithanpura, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chairman, Bihar Land Tribunal, Patna.
3. The Member Judicial Bihar land Tribunal Patna.
4. The Joint Director of Cosolidation , Muzaffarpur.
5. Arvind Kumar Thakur Son of late Mathura Prasad Thakur Resident of Village- Basti Khuajpur Pastara, P.S. Baligaon , District Vaishali Present residing at Mohalla- Ramna Raju Sah Lane, P.S. Mithanpura, District Muzaffarpur.
6. Saryug Thakur Son of late Chita Thakur Resident of Village- Basti Khuajpur Pastara, P.S. Baligaon , District Vaishali Present residing at Mohalla- Ramna Raju Sah Lane, P.S. Mithanpura, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Dhurjati Prasad, GP-17
For the Respondent	:	Mr. S.N.P. Singh, Sr. Advocate
		Mr. S.P. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-04-2025 Heard the parties.

2. Learned counsel for the petitioner undertakes to remove the defect(s) as pointed out by the Office.

3. The present writ petition has been preferred for the following relief(s):

“(i) to quash the order dated 13.12.2016

passed in B.L.T. Case No. 836/16 by which he has

dismissed the same as well as also to quash the



order dated 12.08.1994 passed by Joint Director of Consolidation, Muzaffarpur in Consolidation Case No. 284/93 passed under Section 35 of the Consolidation Act.

(ii) To ass any such other order or orders as this Hon'ble Court thinks fit and proper.”

4. The details of the land in question is/are as follows:

“R.S.P No. 1843/2575 area 4 decimals R.S.P. No. 1465 area 9 decimals R.S.P. No. 1466 area 5 Acres 22 decimals R.S.P. No. 1486 area 4 area 76 decimals. R.S.P. No. 2488 area 88 decimals and R.S.P. No. 1833/2574 area 20 decimals total an area of 10 acres 59 decimals appertaining to khata no. 500 situated in village Bahuara P.S. Mahua at present Patepur District-Vaishali.”

5. During the revisional survey operation, it was jointly recorded in the name of the petitioner's father (Late Ram Deni Thakur) as also his brothers. Subsequently, a compromise petition was preferred before the Joint Director of Consolidation, Muzaffarpur on 11.05.1994 by all the three brothers namely, Mathura Prasad Thakur (father of respondent



no. 5), Sarjug Thakur (respondent no. 6) and Late Ram Deni Thakur (petitioner's father). Based on that, on 12.08.1994, in Revision Case No. 284 of 1993, the Court of the Joint Director, Muzaffarpur accepted the compromise petition and granted 1/3 interest to all the three brothers in the disputed land with further direction that the name should be entered accordingly (both the compromise petition and the order is/are part of Annexure-3).

6. When the father put in his signature, the son (petitioner herein) was thirty four years of age as recorded in the order of the Bihar Land Tribunal Patna (hereinafter referred as 'the Tribunal') in BLT Case No. 836 of 2016.

7. Twenty two years later and after the death of his father, Ram Deni Thakur, the petitioner approached 'the Tribunal' and the short order dated 13.12.2016 by which it came to be dismissed read as follows:

"Order dated 12.08.1994 passed by Joint Director of Consolidation Muzaffarpur, is based on compromise petition dated 11.05.1994 filed by all the three brothers namely Mathura Prasad Thakur, Saryug Thakur, and Late Ram Deni Thakur. So far applicant is concern he is son of Late Ram Deni Thakur (opposite party No. 2) before the Joint



Director of Consolidation. Opposite party No. 1 son of Mathura Prasad Thakur, was applicant No. 1 in the application before Joint Director of Consolidation and applicant No. 2 in the present application was opposite party No. 1 the said application before the Joint Director of Consolidation. The compromise petition entered into amongst all the three brothers dated 11.05.1994 was bearing signature of all the three brothers so far applicant is concern it has been mentioned in the affidavit that his age was 56 years, on 23.08.2016 so he was 34 years of age on the date of compromise, the land of chak khata No. 594 of village Bahuara, Anchal-Patepur, Distt-Vaishali, which was recorded in the name of only opposite party no. 2 i.e. Saryug Thakur and Late Ram Deni Thakur. In the compromise petition, it is mentioned that the same was wrongly recorded averment is also made in para 3 of the compromise petition that applicant of the said application was entitle to be recorded along with the name of O.Ps. to the extent of equal share with respect to land of



chak khata No. 594 situated in VIII- Bahuara.

2. The present application has been filed after long lapse of 22 years, it is hopelessly barred by limitation. The application is dismissed accordingly.”

8. Aggrieved, the present petition.

9. Learned counsel for the petitioner submits that the father erred, the respondents were not entitled for the one-third share and he being minor and in employment outside the place, upon knowledge, preferred the petition which was dismissed and followed the writ petition.

10. Earlier, the Coordinate Bench had issued notice to the respondent nos. 5 and 6 who have put in their affidavits and according to them, a perusal of the Annexure-3 would show that the father of the petitioner has signed the document on the basis of which an order came to be passed by the Court of the Joint Director of Consolidation, Muzaffarpur. He submits that twenty-two years later and only after his father died, to disturb the entire family, the litigation has been initiated by the petitioner.

11. The State counsel, Mr. Dhurjati Kr. Prasad also submits that it is a fit case in which a cost be imposed as the petitioner is misusing the process of law after his father signed



the document and he was thirty four years of age, cannot say that he was a minor and had no knowledge about the case.

12. Considering the facts aforesaid, the submissions of the parties, pursuant to the compromise petition, the order of the Joint Director of Consolidation, Muzaffarpur came to be passed. The petitioner was not a minor, rather was 34 years old as per the record. Twenty two years later, he challenged the order which was dismissed by 'the Tribunal'. In the opinion of the Court, the petitioner has certainly misused the process of law by opening up dead issue. In that background, the writ petition stands dismissed with a cost of Rs. 500/- to be deposited with the District Legal Services Authority, Muzaffarpur failing which appropriate steps shall be taken for the realization of the amount.

(Rajiv Roy, J)

Adnan/-

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