

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18213 of 2017

1. Baban Singh S/o Late Sahai Singh, Resident of Villlae and P.O. Paharia, P.S. Bhagwanpur, District Kaimur (Bhabhua).
- 2.1. Ashok Kumar Singh S/o Late Sri Kisun Singh, R/o Village and P.O. Pahariya, P.S. Bhagwanpur, Distt. Kaimur (Bhabhua).
3. Radha Prasad Singh son of Late Ramu Singh Resident of Villlae and P.O. Paharia, P.S. Bhagwanpur, District Kaimur (Bhabhua)
4. Girish Singh Son of Late Ganga Singh, Resident of Villlae and P.O. Paharia, P.S. Bhagwanpur, District Kaimur (Bhabhua)
5. Shankar Singh Son of Late Ganga Singh, Resident of Villlae and P.O. Paharia, P.S. Bhagwanpur, District Kaimur (Bhabhua)
6. Haridwar Singh Son of Late Ganga Singh, Resident of Villlae and P.O. Paharia, P.S. Bhagwanpur, District Kaimur (Bhabhua)
7. Prabhu Narayan Singh Son of Late Ganga Singh, Resident of Villlae and P.O. Paharia, P.S. Bhagwanpur, District Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. The Collector, Kaimur at Bhabua.
3. The Addl. Collector, Kaimur at Bhabua.
4. D.C.L.R. Bhabhua, Dist. Kaimur at Bhabua.
5. Anchal Adhikari, Bhagwanpur, P.S. Bhagwanpur, Dist. Kaimur at Bhabua.
6. Mukhia Gram Panchayat, Paharia, P.S. and P.O. Bhagwanpur, District Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

Mr. Ajay Pathak, Advocate

For the Respondent/s : Mr. Surekha Kumari, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

9 05-08-2025

Heard the parties.

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

“I. Whether respondent Anchal Adhikari



was justified in refusing to realize rent from the petitioners though Assistant Director Consolidation, Rohtas at Sasaram has ordered to record the disputed land in the name of petitioners and Consolidation records including Khatian has been prepared in their name.

II. Whether respondent District Magistrate is justified in not directing its subordinates to realize rent from the petitioners though Consolidation authorities have ordered to record the disputed land in the name of petitioners and Consolidation records including Khatian has been prepared in their name?

III. Whether respondents Anchal Adhikari justified in not considering the fact that earlier by virtue of the Mutation Case no. 485/ 2007-08 separate lagit has been prepared in the name of petitioners separately on the basis of partition amongst them and rent was being realized from them separately and L.P.C. has also been prepared in their name?

IV. Whether respondents authorities are justified in ignoring the documents regarding title and possession of the petitioners in respect of the disputed land and rent had already been fixed in their name by virtue of an order passed in Rent fixation Case no. 01/2007-08 by the competent authorities and said order had not been challenged by any persons till date and rent was being realized from them as asserted in earlier paragraphs of the



writ petition.

V. Whether respondents authorities are empowered to ignore the judgment rendered by this Hon'ble Court in the similar circumstances and facts involved in the case which has been reported in 2010 P.L.J.R Vol. 1 Page 5 to 11 as they are bound to realize rent from the petitioners ?

VI. Whether respondents authorities are justified in not disposing of the representations filed on behalf of the petitioners before them and State is loosing money every years and rent is being accumulated against the petitioners though they are offering the rent to the State of Bihar and they are duty bound to realize rent from them ?

VII. Whether respondents in colorable exercise of power are not considering the representations filed on behalf of the petitioners and keeping the matter pending for a long time without any justification in the eye of law and State is loosing Revenue every year?"

3. Though belatedly, a counter affidavit has come on behalf of the respondent Nos. 2 to 5 duly put on affidavit by Circle Officer, Bhagawanpur, Kaimur, and as per the Paragraph-32, against the order dated 18.09.2002 passed by the Asst./Deputy Director of Consolidation in Consolidation Appeal No.28/2001-02, the State has preferred revision case *vide* Revision Case No. 28 of 2020 before the Director,



Consolidation, Bihar, Patna, which is still pending for hearing.

4. Learned counsel for the petitioners submits that in these change of circumstance, the petitioners shall be contesting the Revision Case No. 28 of 2020 before the Director, Consolidation, Bihar, Patna.

5. Allowing the petitioners to appear before the Court with direction the concerned Director, Consolidation that after hearing the parties, since the Revision Case No. 28 of 2020 is five years old, shall be taking the same to its logical conclusion, if not disposed off, by 31.03.2026.

6. The writ petition is disposed off with the aforesaid observation.

(Rajiv Roy, J)

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