

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.528 of 2025

1. Ramesh Sah Son of Awadh Bihari Kanu resident of village- Ekauna, Police Station - Agiaon (Garahani), District - Bhojpur at Ara.
 2. Sudarshan Kanu, Son of Late Halkhor Kanu resident of village- Ekauna, Police Station - Agiaon (Garahani), District - Bhojpur at Ara.
- Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Old Secretariat, Bailey Road, Patna.
2. The Bihar Land Tribunal, Patna.
3. The Joint Director Consolidation, Bihar, Patna.
4. The Deputy Director Consolidation, Bhojpur at Ara.
5. The Consolidation Officer, Sahar, Bhojpur.
6. Sanjay Kumar, Son of Late Bishwanath Kanu @ Vijay Kumar Sao resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
7. Rekha Rani, Daughter of Late Bishwanath Kanu @ Vijay Kumar Sao resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
8. Asha Devi, Daughter of Late Bishwanath Kanu @ Vijay Kumar Sao resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
9. Baban Kanu @ Baban Sah @ Baban Prasad, Son of Late Ramrup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
10. Dadan Kanu @ Ran Vijay Kumar Gupta, Son of Late Ramrup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
11. Ram Darshan Kanu, Son of Late Ramrup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
12. Krishna Kanu @ Krishna Prasad, Son of Late Ramrup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
13. Birenda Kanu @ Birendra Sah, Son of Late Ram Swarup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
14. Ravindra Kanu @ Ravindra Prasad Gupta, Son of Late Ram Swarup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.
15. Surendra Kanu @ Fulendra Kumar Gupta @ Fulendra Kanu @ Surendra Kanu, Son of Late Ram Swarup Kanu resident of Village- Ekauna, Post Office and Police Station - Agiaon, District- Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate
For the Respondent/s : Mr. Government Pleader (4)



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. By filing the present writ petition, the order dated 03.04.2024, contained in Annexure- P/7 passed by Member Judicial, The Bihar Land Tribunal, Patna in B.L.T. Case No. 228 of 2020, was challenged by which the order dated 27.10.2020 passed by the Joint Director Consolidation, Bihar, Patna in Consolidation Revision Case No. 315 of 2015 has been set aside with liberty to the petitioners to file Civil Suit in the Court of competent Jurisdiction.

3. Learned Counsel for the petitioners submits that the order passed by Bihar Land Tribunal is completely illegal, and therefore, liable to be set aside. Counsel further submits that the petitioners had earlier moved before Bihar Land Tribunal in B.L.T. Case No. 26 of 2018, wherein, vide order dated 26.11.2019, the B.L.T Case was allowed and Revision Case No. 315 of 2017 was remitted back to the Joint Director for fresh decision in accordance with the law and ordered to pass a fresh order after granting adequate opportunity of hearing to the parties. Counsel further submits that after the direction passed by the Bihar Land Tribunal in Case No. 26 of 2018, the revisional



authority, Joint Director of consolidation, passed final order on 07.10.2020 in revision case No. 315 of 2017 and the said revision Case was allowed in favour of the petitioners. It has been categorically stated by the revisional authority that, in light of the observations made by the High Court, the Will has not been probated and the compromise has not been acted upon. The Revision Case was also decided based on the spot survey conducted by a team of amins. Therefore, this order may not be interfered with, as the said inspection was conducted in the presence of both parties. Counsel further submits that the order for setting aside the revision is absolutely incorrect and contrary to the findings of the amins, who conducted the spot verification.

4. Learned Counsel for the State, on the other hand, submits that the contention of the petitioner is not correct. He submits that the Bihar Land Tribunal, in its order dated 03.04.2024 passed in B.L.T. Case No. 228 of 2020, has heard the parties at length and stated that the dispute is between the family members. The parties are agnates, and the Will was executed by one member to another member of the family. Counsel submits that there is specific finding that even if the Will has not been probated, the parties in whose favor the Will has been written shall still inherit the property by virtue of being natural successors. Counsel further submits that the decree passed in the



Title Suit shall also not be effective till declaration for setting aside of said decree shall not come. Counsel further submits that it has come in the findings that there is a complex question of title dispute between family members of the same agnates exist. Therefore, only by filing a Civil Suit, this issue can be decided in its true spirit and in this way all future litigation may also be resolved.

5. After hearing the parties, it transpires to this Court that before consolidation, the question of possession is there. The parties are agnates and question of partition, probate, Will and compromise all are in dispute among the parties. Therefore, in the view of this Court, the Member Judicial of the Bihar Land Tribunal has rightly decided the matter and directed to make it open to both the parties to resolve the land dispute finally and conclusively by filing a Civil Suit in a Court of competent jurisdiction.

6. In this background, this Court is not interfering in the order passed by the Member Judicial of the Bihar Land Tribunal. Hence, the writ petition stands dismissed.

(Dr. Anshuman, J.)

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