

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4392 of 2024

1. Om Prakash Sinha Son of Late Laloo Prasad Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.
2. Navin Prakash Sinha, Son of Late Laloo Prasad Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reform, Patna.
2. The Collector, Patna.
3. The Deputy Collector Land Reform, Danapur, District- Patna.
4. Anchal Adhikari Bihta, District- Patna.
- 5.1. Kumar Chandra Mouli Son of Late Vijay Kumar Sinha P.O. and P.S. - Bihta, District - Patna.
6. Sheo Kumar Sinha, Son of Late Kishori Lal Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.
7. Ashok Kumar Sinha, Son of Late Kishori Lal Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.
8. Widow of Arun Kumar Sinha, S/o Late Kishori Lal Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.
9. Sunil Kumar, Son of Late Kamta Lal Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.
10. Anil Kumar, Son of Late Kamta Lal Resident of Village Bihta, P.O. and P.S.- Bihta, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Adv.
For the Respondent/s : Mr. Addl. Advocate General 12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-07-2026 Heard Mr. Amarendara Narayan, learned counsel for the petitioners and Mrs. Nutan Sahay, learned AC to AAG-12 for the State.

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



“for issuance of writ of Certiorari or writ of any appropriate nature, order or direction quashing that part of order dated 09.09.2023 passed by the Collector Patna in Rent Fixation Appeal Case No. 2/2003-04 under which after setting aside order 26.12.90 in Rent Fixation case no. 7/1990-91 as also after holding that re-fixation of rent is not permissible in law, the Collector Patna has remanded the case to subordinate court for no justifiable reason.

The subject matter of rent fixation litigation is being maintained since last more than 34 years and even now instead of deciding all issues, the Collector Patna has remanded the case for no justifiable reasons. Further the order of remand is improper and perfunctory in nature since after holding that re-fixation of rent of any land is not permissible in law and acknowledging that the rent is being accepted from the petitioner/ their ancestors since 1962-63, there remain nothings to be adjudicated by a subordinate revenue court. The Remand order if it is allowed to remain may cause prejudices to the petitioner



and such case would be abuse of process of law.”

3. Despite notice to the respondent nos. 5 to 10 on 25.06.2024, today on call, there is no appearance.

4. The matter relates to piece of land having details in Para-4 read as under:

“Plot No.813 and 1372, Khata No. 157, Mauza-Bihta, Thana-Bihta, Area 12 Decimal, District Patna;

Mauza-Bihta, Khata No. 157, Khesra No. 813 and 1372, Tauzi No. 2582, Thana No.49, Area 15 decimal and 7 decimal, District-Patna.

5. The petitioner inherited the said land from Saraswati Devi, wife of Lallu Prasad and has claim over half of the said land (11 decimal) after an order passed in Rent Fixation Case No. 07 of 1990-91 on 26.12.1990. The petitioner preferred appeal vide Appeal No.02 of 2003-04 (Om Prakash Sinha Vs Vijay Kumar Sinha). It was taken up on 09.09.2023 and the Collector, Patna set aside the said order remitting back the matter to the concerned office (Annexure-1 to the petition).

6. Aggrieved, the present petition.

7. Learned counsel for the petitioners submit that when the Collector, Patna came to a conclusion that it is an erroneous order, he/she should not have remitted it back to the office of the



Deputy Collector Land Reforms, Danapur as they do not expect justice from the said office.

8. Learned State counsel submits that the such conclusion arrived at by the petitioners is/are ill founded. The Collector, Patna entertained the matter despite the order was passed in the year 1990 whereas the appeal was filed in the year 2003 and came to a conclusion that it is an erroneous order and accordingly, set it aside.

9. In that background, he was fully justified in remitting the matter back to the office of the Deputy Collector Land Reforms, Danapur and the petitioner will have all the opportunity to satisfy the said office for getting a reasoned order.

10. As recorded above, the respondents despite notice have chosen not to appear in the case though their appearance is on the cause list.

11. This Court has further taken note of the facts that the petitioner challenged the order of the DCLR, Danapur (passed in 1990). In the 2003-04 a reasoned order dated 09.09.2023 has been passed by the Collector, Patna and the matter has been remitted back to the DCLR, Danapur. As rightly pointed out by the learned State counsel, the petitioners will have all the opportunity under the sky to put forward their points/documents so that a reasoned order is passed.



12. This Court is of the opinion that the apprehension of the petitioners cannot be a ground to interfere with the reasoned order passed by the Collector, Patna which actually went in their favour.

13. However, taking into account the fact that the matter is pending before one the other Court since the year 1990, it is high time, the same is taken to its logical conclusion.

14. In that background, if the matter is still pending before the Deputy Collector Land Reforms, Danapur he/she shall ensure that after hearing the parties and perusing the record, the **Rent Fixation Case No. 07 of 1990-91** is taken to its logical conclusion in accordance with law at an earliest and preferably within a period of three months from the date, the petitioners submit copy of the present order.

15. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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