
(2006) 02 PAT CK 0018
In the Patna High Court
Case No : CWJC No. 1302 of 1988

Bhabichhan Jha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 27-02-2006

Acts Referred:

Citation : (2006) 2 PLJR 352

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Shailendra Kumar Jha, for the Appellant;

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties. By the orders impugned prayer of the petitioner for fixation of rent of the land in question under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act have been rejected.

2. It is submitted by learned counsel for the petitioner that the land in question pertaining to Khata No. 1016 Khesra No. 32 measuring an area of 2 acres 16 Kathas 16 dhurs was auction-purchased by the father of the petitioner and the petitioner thereafter applied before the Circle Officer for fixation of rental, as the land in question was Parti Kadim. The Circle Inspector got the matter enquired through Halka Karmachari and pursuant to the report of the Halka Karmachari the Circle Officer refused to fix the rental, as it was found to be a sherat. The order passed by the Circle Officer was challenged before the Collector, which was dismissed and consequently thereof, the revision filed before the Commissioner was also dismissed. It is further submitted that the Halka Karmachari in his report has not shown the land as Jalkar, whereas in Khatian the same was shown as Jalkar.

3. Since the father of the petitioner purchased the land in question in auction, he came in possession and he applied for fixation of rent, and, accordingly, rental

could have been fixed by the revenue authorities.

4. It appears that the land in question is a sherat, which vested in the State of Bihar, and, therefore, no question of fixation of rental arose in the matter.

5. From annexure 1, the writ of delivery of possession effected on the petitioner, it would appear that the land in question has been described as Jalkar and obviously, therefore, the nature of the land remained that of Sherat, which, ultimately, vested in the State of Bihar.

6. From Annexure A to the counter affidavit, which is Sherat Register, it would appear that the land pertaining to Khata No. 1016 Khesra No. 32 has been described as Sherat.

7. The findings recorded by the revenue authorities, impugned in this writ application, have successively found the land in question as Sherat and on that ground alone fixation of rental was refused as prayed for by the petitioner.

8. For the reasons aforementioned, therefore, I do not find any infirmity in the orders impugned nor it can be said to be without jurisdiction. This writ application, in that view of the matter, is dismissed.

No order as to costs.