

(2021) 02 PAT CK 0384

In the Patna High Court

Case No : Letters Patent Appeal No. 1175 Of 2019, Civil Writ Jurisdiction Case
No. 13988 Of 2019

Birendra Pratap Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 04-02-2021

Acts Referred:

Citation : (2021) 02 PAT CK 0384

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Sanjay Kumar Jha, Md. Khurshid Alam

Final Decision : Dismissed

Judgement

Heard the parties.

Aggrieved by judgment and order dated 19.07.2019 passed by learned Single Judge of this Hon'ble Court passed in C.W.J.C. No. 13988 of 2019 dismissing the writ petition in order to avail alternative remedy present L.P.A. has been filed by appellant/petitioner.

Appellant/petitioner had filed writ petition for quashing the order dated 18.12.2018 passed by Circle Officer, Bihta in Rent Fixation Case No. 1 of 2018-19 by which the application of petitioner for fixation of rent land appertaining to Khata No. 400, Plot No. 426 measuring 12 acres 71 decimals was rejected on the ground that land stands recorded in the name of Union of India.

Appellant/petitioner claimed title and possession over the said land on the basis of purchase of said land in auction sale held in the year 1933 by British Government in which grandfather of appellant/petitioner purchased 50 acres 84 decimals of land for a bid amount of Rs. 6100/- in terms of auction sale and same came in cultivating position of appellant/petitioner after partition of said land in the joint family.

Appellant/petitioner filed an application dated 12.09.2017 before the Circle Officer, Bihta for fixation of rent of land measuring 12 acres 71 decimals, on basis of which rent fixation case no. 1 of 2018-19 was initiated and after holding local inquiry, the Circle Officer, Bihta recommended for fixation of rent of land in favour of appellant/petitioner to the D.C.L.R., Danapur, who is the competent authority, and same was returned to Circle Officer, Bihta with a noting that as the land are recorded in the name of Union of India, there cannot be any rent fixation of said land and on basis of said noting, the Circle Officer, Bihta rejected the application of appellant/petitioner for fixation of rent, against which appellant/petitioner filed the writ petition which was disposed of with observation that against the impugned order, appellant/petitioner has statutory remedy of appeal which appellant/petitioner shall avail and dispose of the writ petition.

This Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by the Court, accordingly, the L.P.A. is dismissed.