

(2004) 04 PAT CK 0077

In the Patna High Court

Case No : CWJC No"s. 9026 of 2000 and 2013 of 2004

Kaimur Kissan Vikash Sammittee

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 09-04-2004

Acts Referred:

Citation : (2004) 2 BLJR 882 : (2005) 3 PLJR 382

Hon'ble Judges : R.S. Dhavan, C.J;Shashank Kumar Singh, J

Bench : Division Bench

Advocate : Subhash Chandra Dubey, for the Appellant; S.K. Ghose, AAG-II, for the Respondent

Final Decision : Dismissed

Judgement

1. This matter is purely about putting the statutory obligation of consolidation of holdings under the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 as workable plan, the Legislature has ordained it so.

2. Thus, this Court is not permitting any other side issues to complicate the working of the plan under the Act as it is, twice the State Government has failed to execute its statutory intention, twice it has failed at the High Court and twice at the Supreme Court. Executive fiat cannot destroy an intention of the law of the legislature. This is unusual in a parliamentary democracy. The Act can be abrogated, a power permitted to a Government if can muster a majority. But not to follow and implement the law and an agrarian reform plan, certifies the Government as anti planning, anti poor, anti constitution and a Government with no dedication to governance and planning. It will be a moot question who is responsible for this politician, bureaucracy or both.

3. In the circumstances, there is no occasion for any intervenor to complicate the matter more than is necessary. It shall remain as simple as the last order (order dated 18 March, 2004).

4. At the request of AAG-II put up on Thursday, i.e., 15 April, 2004.

5. The interlocutory application which is in the nature of seeking compensation basically is alien to the issue. It is accordingly rejected.