
(2006) 04 PAT CK 0089
In the Patna High Court
Case No : CWJC No. 4482 of 1988

Parmeshwar Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 18-04-2006

Acts Referred:

Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 — Section 35

Citation : (2006) 2 PLJR 512

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Ram Suhawan Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties. This application arises out of the order passed by the authorities under the provisions of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act (hereafter to be referred to as "Act").

2. It is submitted by learned counsel for the petitioner that the authority has no jurisdiction u/s 35 of the Act to set aside the concurrent findings recorded by the authorities under the Act. It is further submitted that even the revisional court has affirmed the possession of the petitioner over the land in question.

3. When questioned as to whether the possession of the petitioner has been disturbed by virtue of the orders of the consolidation authorities, the answer was in negative.

4. I am informed that the proceeding under the Act has been denotified and in view of the ratio laid down by this Court in the case of Ram Krit Singh and Ors. vs. The State of Bihar and Ors., (1979 BBCJ 259) [: 1979 PLJR 161] even abated suits will be revived meaning thereby that the power vests with the Civil Court to decide the right, title and interest.

5. In this view of the matter, it is held that the orders impugned shall not affect or prejudice the right, title and interest of the parties unless a contrary decision is taken by competent civil court. With the direction/observation aforesaid, this application is dismissed.