
(1980) 07 SC CK 0018

In the Supreme Court Of India

Case No : Writ Petition No's. 326 and 795 of 1979

Satyanarayan Prasad Sah and Others

APPELLANT

Vs

State of Bihar and Another
Dina Nath Singh Vs State
of Bihar and Others

RESPONDENT

Date of Decision : 31-07-1980

Acts Referred:

Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 — Section 4
Constitution of India, 1950 — Article 14, 19

Citation : AIR 1980 SC 2051 : (1980) 12 UJ 799

Hon'ble Judges : V. R. Krishna Iyer, J;R. S. Pathak, J;O. Chinnappa Reddy, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

V.R. Krishna Iyer, J.—Mr. Sinha, appearing for the petitioners in the above Writ Petitions, contended that that Section 4(c) of the Consolidation of Holdings & Prevention of Fragmentation Act 1956 was violative of Articles 14 and 19 of the Constitution of India. In his submission, the provisions that any proceeding in a civil Court of the nature covered by Section 4(c) would be within the exclusive jurisdiction of the Consolidation authorities and any order passed by a civil Court regarding land (title or possession or other incident) pending before the Civil Court would stand abated, was a reasonable restriction on the right of a party to go to an ordinary civil Court It also discriminated that class of litigants from other classes of litigants who enjoyed the right to approach the civil Court. In his case the decree had been passed in his favour by a civil Court but the subject matter was pending In an appeal in the High Court and the High Court passed an order nullifying the decree of the trial Court having regard to Section 4(c) of the Act.

2. We do not think there is substance in the submission. True, the petitioner is right in saying that the High Court should not have "nullified" the decree of the trial Court but should have merely declared that the proceeding stood abated,

which of course, means that the civil proceeding comes to nought. Regarding the constitutional submissions we are not called upon to investigate the merits for the short reason that both the points have been covered by two decisions of this Court reported in Ram Adhar Singh Vs. Ramroop Singh and Others, ; AIR 1975 1499 (SC) Chattar Singh and Ors. v. Thakur Prasad Singh Indeed, High Court has merely followed these two decisions in reporting the contentions of the appellants. We, therefore, see no merit in the Writ Petitions and dismiss them.

3. In the circumstances of the case there will be no order as to costs.