

Deb Prasad Sen and ors Vs. State and ors

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Court : Patna

Decided On : Sep-13-2013

Appellant : Deb Prasad Sen and ors

Respondent : State and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case
No.8073 of 1992

===== 1.

Deb Prasad Sen son of late Anath Kant Sen alias Pechi Babu.

2. Miss Dalia Sen son D/O late Anath Kant Sen alias Pechi Babu 3. Miss. Prativa Sen D/O of Late Anath Kant Sen alias Pechi Babu 4. Miss Sabita Sen D/O late Anath Kant Sen alias Pechi Babu All residents of Khazanchi Hat, P.S. K. Hat, District- Purnea. Petitioner/s Versus 1. The State of Bihar 2. The Joint Director of Consolidation, Purnea, District Purnea.

3. The Deputy Director of Consolidation, Purnea, District Purnea.

4. The Consolidation Officer, Purnea, East, District Purnea.

5. Sanjib Sen Gupta (Sarkar) S/O Dayal Sarkar 6. Rajib Sen Gupta (Sarkar) minor S/O Dayal Sarkar under the guardianship of his father, Dayal Sarkar, both 5 to 6, residents of Kaptanpura, P.S. Sadar, District Purnea.

7. Dinesh Yadav S/O late Bhagat Yadav, resident of Village- Baugna, P.S. K. Nagar, District- Purnea. Respondent/s with Civil Writ Jurisdiction Case No. 8107 of 1992

===== 1.
Deb Prasad Sen son of late Anath Kant Sen alias Pechi Babu.

2. Miss Prativa Sen son D/O late Anath Kant Sen alias Pechi Babu 3. Miss. Dalia Sen D/O of Late Anath Kant Sen alias Pechi Babu 4. Miss Sabita Sen D/O late Anath Kant Sen alias Pechi Babu All residents of Khazanchi Hat, P.S. K. Hat, District- Purnea. Petitioner/s Versus 1. The State of Bihar 2. The Joint Director of Consolidation, Purnea, District Purnea.

3. The Deputy Director of Consolidation, Purnea, District Purnea.

4. The Consolidation Officer, Purnea, East, District Purnea.

5. Sanjib Sen Gupta (Sarkar) S/O Dayal Sarkar 6. Rajib Sen Gupta (Sarkar) minor S/O Dayal Sarkar under the guardianship of his father, Dayal Sarkar, both 5 to 6, residents of Kaptanpura, P.S. Sadar, District Purnea.

7. Nageshwar Rai S/O late Ram Prit Rai, resident of Village- Bisanpur, P.S. Raghopur, District- Vaishali. Respondent/s with Civil Writ Jurisdiction Case No. 8109 of 1992

===== 1.
Miss Prativa Sen D/O late Anath Kant Sen alias Pechi Babu 2. Miss Sabita Sen son D/O late Anath Kant Sen alias Pechi Babu 3. Deb Prasad Sen S/O late Anath Kant Sen Alias Pechi Babu Patna High Court CWJC No.8073 of 1992 dt.13-09-2013 2/3 4. Miss. Dalia Sen D/O of Late Anath Kant Sen alias Pechi Babu All residents of Khazanchi Hat, P.S. K. Hat, District- Purnea. Petitioner/s Versus 1. The State of Bihar 2. The Joint Director of Consolidation, Purnea, District Purnea.

3. The Deputy Director of Consolidation, Purnea, District Purnea.

4. The Consolidation Officer, Purnea, East, District Purnea.

5. Sanjib Sen Gupta (Sarkar) S/O Dayal Sarkar 6. Rajib Sen Gupta (Sarkar) minor S/O Dayal Sarkar under the guardianship of his father, Dayal Sarkar, both 5 to 6, residents of Kaptanpura, P.S. Sadar, District Purnea.

7. Shri Shashi Bhushan Kumar S/O Kuldip Roy, resident of Laxmipur, P.S. Barari, District- Katihar. Respondent/s

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Appearance : (In CWJC No. 8073 of 1992) For the Petitioner/s : Mr. Sushanta Kumar Das For the Respondent No.1 to 4: Mr. Anil Kumar Verma, AC to AAG-13 For the Respondent No.7 : Mr. Vikram Singh (In CWJC No. 8107 of 1992) For the Petitioner/s : Mr. Sushanta Kumar Das For the Respondent No.1 to 4: Mr. Anil Kumar Verma, AC to AAG-13 For the Respondent No.7 : Mr. Vikram Singh (In CWJC No. 8109 of 1992) For the Petitioner/s : Mr. Sushanta Kumar Das For the Respondent No.1 to 4: Mr. Anil Kumar Verma, AC to AAG-13 For the Respondent No.7 : Mr. Vikram Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL

JUDGMENT

Date:

13. 09-2013 In all the above three writ petitions issues of facts and issues of law are common and identical. Therefore, with the consent of the parties, all the three matters have been heard together and are being disposed of by this common judgment/order. By the original separate orders passed by the respondent Consolidation Officer, Purnea, East, sanction has been granted for transfer of certain plots of lands by respondent Sanjib Sen Gupta (Sarkar) and Rajib Sen Gupta (Sarkar) in favour of each of the private Patna High Court CWJC No.8073 of 1992 dt.13-09-2013 3/3 respondent no. 7 separately in all the above three writ cases. The appeals preferred by these petitioners were dismissed by separate orders passed by the appellate authority. The original orders and appellate orders have been brought on record of each cases as Annexure-3 and 5 respectively. After having heard the parties, this Court does not find any legal infirmity or procedural error in the impugned orders passed by the original authority or the

appellate authority. All the writ petitions seem to be completely misconceived. They are, accordingly, dismissed. At this stage, learned counsel appearing on behalf of the respondent no.7 submits that with respect to the same plots of lands between the same parties Title Suit No. 383 of 1995 is already pending for final adjudication before the learned Sub-Judge, Purnea. Therefore, in view of pendency of the aforesaid title suit, the parties shall be at liberty to raise all the points available to them under the law with respect to their right, title and possession over the lands under dispute. It goes without saying that the aforesaid title suit shall be decided on its own merit on the basis of the evidence/ materials produced by the parties, irrespective of the findings recorded by the original authority as also the appellate authority with respect to the impugned sanction orders passed under Section 5 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956. (Birendra Prasad Verma, J) BTiwary/-

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