

Mst. Binda Kunwar Vs. State of Bihar

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Court : Patna

Decided On : Feb-02-2001

Judge : Narayan Roy, J.

Appeal No. : C.W.J.C. No. 6671 of 1999

Appellant : Mst. Binda Kunwar

Respondent : State of Bihar

Judgement :

Narayan Roy, J.

1. Heard earned Counsel for the petitioner and earned Counsel for the State and also for respondent No. 5.
2. The grievance of the petitioner is very limited.
3. it is submitted that the revision application filed by this petitioner under Section 16 of the Bihar Tenants, Holdings (Maintenance' of Records) Act, 1973 'hereinafter to be referred to as 'Act') was only to be disposed of by the Collector of the District and since the revision application has been disposed of by the Additional Collector, the order impugned is wholly without jurisdiction.
4. From the order impugned prima facie, it appears that the revision application was entertained and disposed of by the Additional Collector, West Champaran at

Bettiah. Section 16 of the Act envisages that the Collector of the District may, on an application made to him in this behalf or for the purpose of satisfying himself to the legality or propriety of any order made under this Act or Rules made there under by any authority or officer, call for and examine the record of any case, pending before or disposed of by such authority or officer and pass such order, as he thinks fit. In view of Section 16 of the Act, it was the Collector of the District alone, who was competent to entertain and dispose of the revision filed under the provisions of the Act. In the case of Sharikar Shukla v. State and Ors. 2000 (3) PUR 839, this Court held that Section 16 of the Act confers revisional power only on the Collector of the District and no jurisdiction can be conferred upon an authority by consent of the party.

5. Earned Counsel appearing on behalf of respondent No. 5, however, submitted that the revision application was itself filed by this petitioner and no objection, whatsoever, was raised when it was being entertained by an authority having no jurisdiction, and, therefore, this plea is not sustainable at the behest of the petitioner,

6. It is true that this petitioner himself filed the revision application, but the forum which entertained it having no jurisdiction could have refrained himself from doing so as per the mandate of law as noticed above. Since the Collector of the District had jurisdiction to dispose of the revision application, the Additional Collector, who has disposed the orders impugned, had no jurisdiction in law to do so.

7. Having heard the Counsel for the parties and considering the facts and circumstances of the case, this application is allowed to that limited question and the order impugned, as contained in Annexure 4, is quashed and the matter is remitted back to the Collector of the District to hear the revision application in accordance with law and dispose of the same after hearing the parties.

8. No order as to costs.