

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.4528 OF 2013

BHIKHARI MAHTO

.....APPELLANT

VERSUS

CHITRANJAN PRASAD SINGH & ORS.

....RESPONDENTS

WITH

CIVIL APPEAL NO.4529/2013

O R D E R

CIVIL APPEAL NO.4529/2013

This appeal by special leave arises out of the common order passed by the Patna High Court in C.W.J.C. No.1910 of 1989, whereby the said writ petition was allowed and the matter was remanded back to the Collector for passing a fresh order to decide the dispute between the landlord and the tenant after considering all the evidence, both oral and documentary, filed by the parties. Consequently, L.P.A. No.342 of 1995, which was ordered by the High Court to be heard along with C.W.J.C. No.1910 of 1989, arising out of the order passed by the learned Single Judge under the consolidation proceedings was dismissed.

The facts of the case lie in a narrow compass.

The appellant claimed to be the Bataidar-cum-Sikmidar in respect of the plot in question. The respondents are the landlord.

Admittedly, the predecessors-in-interest/ancestors of the appellant have been in cultivating possession as Bataidar and their names were recorded in the Cadastral Survey record of right prepared in 1911 as Sikmidar. The disputes with regard to their status have been finally considered by Deputy Collector Land Reforms, Buxar who in terms of order dated 20.05.1985, held that the appellant is the Sikmidar/Bataidar and directed the respondent-landlord to hand over possession of the plot in question. Aggrieved by the said order, the respondent-landlord preferred appeal before the Collector who in terms of order dated 07.01.1989 dismissed the appeal holding that the name of the appellant was recorded in the revenue record as under-raiyats. The Collector, therefore, upheld the order passed by the Deputy Collector Land Reforms. As against that order, the respondents preferred a writ petition which was heard by the Division Bench of the Patna High Court. The High Court came to a finding that although various documents were filed by the respondents-landlord to substantiate their claims but the Deputy Collector Land Reforms has not considered all those documents. On the contrary, Deputy Collector Land Reforms held that no material was produced in support of their case. The Division Bench of the High Court,

therefore, remanded the matter back to the Collector to consider all the evidence that may be adduced by the parties and to pass a fresh order.

We have heard Mr. A.K. Ganguli, learned Senior Counsel appearing for the appellant and Mr. S.K. Katriar, learned Senior Counsel appearing for the respondents. We have also perused the orders passed by the Revenue Authorities and the impugned order passed by the High Court.

Having given our anxious consideration in the matter, we are of the view that the matter needs to be examined by the Collector after perusing all the documents and giving reasons to accept or reject those documents while arriving at a conclusive finding with regard to the rights and status of the parties in respect of the plot in question. We therefore do not want to interfere with the order of remand passed by the High Court.

Hence, this appeal is disposed of with the aforesaid direction.

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So far as this appeal is concerned, indisputably, the right of the under-raiyats depends upon the decision that may be passed by the Collector in the case that was remanded by the High Court.

It goes without saying that in the event the appellant succeeds before the Collector and his right and status as under-raiyats/Bataidar is established by the revenue court then Consolidation Authority shall consider his application afresh.

This appeal stands disposed of accordingly.

.....J  
[M. Y. EQBAL]

.....J  
[S. A. BOBDE]

NEW DELHI;  
MAY 13, 2015.

ITEM NO.106

COURT NO.9

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4528/2013

BHIKHARI MAHTO

Appellant(s)

VERSUS

CHITRANJAN PRASAD SINGH &amp; ORS.

Respondent(s)

(With appln.(s) for permission to file additional evidence and exemption from filing O.T. and interim relief and office report)

WITH C.A. No.4529/2013

(With Office Report)

Date : 13/05/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s) Mr. A. K. Ganguli, Sr. Adv.  
Mr. S.C. Ghosh, Adv.  
Mr. Mukti Narayan Singh, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. S.K. Katriar, Sr. Adv.  
Mr. Akhilesh Kumar Pandey, Adv.  
Ms. Alka Mishra, Adv.

Mr. Manish Kumar, Adv.

Mr. Gopal Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

These appeals are disposed of in terms of the signed order.

(Sanjay Kumar-II)  
Court Master

(Indu Pokhriyal)  
Court Master

(Signed Order is placed on the file)