

Ramesh Singh and Others Vs The State of Bihar and Others

Court: Patna High Court

Date of Decision: Sept. 5, 2003

Acts Referred: Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 â€” Section 32
Civil Procedure Code, 1908 (CPC) â€” Section 115
Criminal Procedure Code, 1973 (CrPC) â€” Section 397

Citation: (2003) 4 PLJR 692

Hon'ble Judges: S.K. Katriar, J

Bench: Single Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

S.K. Katriar, J.

Heard Mr. Indu Shekhar Sinha for the Petitioners, and Mr. V.K. Bhagat, learned Standing Counsel (Ceiling). This writ

petition is directed against the order dated 13.1.2003 (Annexure 8), passed by Mr. C. Ashokvardhan, learned Additional Member, Board of

Revenue, Bihar, Patna, in Case No. 43/99 Ramesh Singh v. State of Bihar, whereby he has dismissed the revision application preferred by the

present Petitioners u/s 32 of the Bihar Land Ceiling Act. It appears to me on a plain reading of the same that the learned Additional Member

seems to be labouring under the impression that the revisional powers of the Board u/s 32 of the Act is at par with the revisional powers of the

High Court u/s 115 of the CPC and/or Section 397 of the Code of Criminal Procedure. The scope, content and the sweep of Section 32 fell for

the consideration of this Court at least on two occasions the judgments of which are reported as follows:

(i) 1986 PLJR NOC (AB) 23 Kamleshwar Prasad Yadav v. State of Bihar. The full text of the judgment is reported in 1986 Bihar Revenue &

Labour Journal Page 102.

(ii) 1987 PLJR NOC (A) 1 Jagarnath Sah v. Pannalal Mahto and Ors. The full text of the judgment is reported in 1987 BLJ. 500.

This Court held that the revisional powers of the, Board of Revenue u/s 32 of the Act is of unlimited jurisdiction. In other words, it is a court of

facts and, therefore, the Board of Revenue is bound in law to examine all questions of facts and law canvassed by the parties. The learned

Additional Member, who has passed the impugned order, should desist from disposing of the matters before him in a summary manner, as I have

found from the various orders passed by him which have been coming up before this Court. The same create an impression of purposive refusal to

go into the depth of the matter to avoid the work involved in writing a complete judgment.

2. In that view of the matter, this writ petition is hereby allowed. The impugned order dated 13.1.2003 (Annexure 8) is hereby set aside, and the

matter is remitted back to the learned Additional Member, Board of Revenue, for disposal in accordance with law.

3. Let a copy of this judgment be handed over to Mr. V.K. Bhagat, learned Standing Counsel (Ceiling), to be forwarded to the learned Member,

Board of Revenue, for circulation amongst the Additional Members as to the scope, content, and the sweep of Section 32 of the Land Ceiling Act.

I had the occasion to deal with the same issue in greater detail in my judgment dt. 2.9.2003, passed on CWJC No. 2983 of 2003.