

**In The Court of Commissioner, Saran Division, Chapra
Land Settlement Revision No. 68/2010
Shamshuddin Ansari
Vrs.
Gorakh Nath Choubey & Ors.**

ORDER

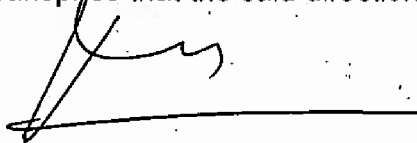
The instant revision is directed against the impugned order passed by Addl. Collector, Siwan in settlement case No. 180/87-88 on 30.04.2010.
31/93-94

The brief facts of the case are that the disputed piece of land of Khata No. 84, plot No. 511, measuring 2 Katha 14 Dhur situated in village Lachhipur, P.S.-Raghunathpur, Dist- Siwan for which petitioner's are claiming their title and possession on the basis of settlement made by Ex-land lord and the present ops on the basis of Jamabandi No. 328 running in the name of the father of the ops.

Both parties fought in lower courts for their claim over the land. The appeal case No. 180/87- 88 / 31/93-94 was filed by the present petitioner before the Addl. Collector, Siwan who in turn vide order dated 19.06.1993 allowed the appeal in favour of the present petitioners. Feeling aggrieved by this said order, the present ops. filed a land settlement Revision Case No. 90/93-94 before this court and this court was pleased to remand back the case to the Addl. Collector, Siwan to decide the issue afresh after making proper enquiry of spot and on hearing the parties, vide order dated 17.02.2006. This led to initiation of the said appeal case by the Addl. Collector, Siwan and the said case was finally disposed of on 30.04.2010 in favour of the present ops.

On being aggrieved by and dissatisfied with the aforesaid order the present petitioner's preferred this revision case again before this court.

Heard the parties in detail and perused the case record, written statement filed by the parties and the earlier order of this court dated 17.02.2006 and the impugned order of Addl. Collector, Siwan. It is seen that there appears to be some ambiguity relating to the claims and counter-claims of the contesting parties so far as their claim of possession over the disputed land is concerned. In view of the said facts, this court was pleased to remit the case back to the Addl. Collector with a direction for passing a fresh order on the basis of spot enquiry of the disputed land and the said enquiry was to be made by Addl. Collector himself or by SDO. But from the impugned order of Addl. Collector dated 30.04.2010 it transpires that the said direction of this



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court has not been complied with before passing the final order and the matter has been disposed of without referring anything about that . The leaned counsel for the petitioner is correct in pointing this apparent lacuna in the impugned order wherein the direction of a superior authority has completely been ignored by an inferior authority.

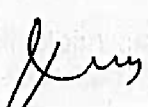
In that view of the matter, the impugned order of Addl. Collector, is not sustainable and hence the same is set aside and the matter is remitted back to the same authority for strict compliance with the earlier order of this court as contained in the order dated 17.02.2006 of this court and dispose the case afresh after careful consideration of the material facts of the case.

With the aforesaid observation and directions, this revision case is disposed of.

Dictated & Corrected by me.


Commissioner,
Saran Division, Chapra

29/3/19


Commissioner,
Saran Division, Chapra

21/3/19