

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9104 of 1995

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1. DHURI LAL SAH
 2. SURYA NAND SAH
 3. RAMANAND SAH
 4. MAHANAND SAH, ALL ARE SONS OF LATE NAKCHHEDI SAH
 5. BHUTAI SAH SON OF LATE GOVARDHAN SAH
 6. BIRANCHI SAH SON OF BHEDAI SAH, ALL RESIDENT OF VILLAGE PARASI, TOLA KAKRAWA, POLICE STATION KURSE KANTA, DISTRICT PURNEA

.... Petitioners

Versus

1. STATE OF BIHAR
2. THE JOINT DIRECTOR OF CONSOLIDATION (HQ) BIHAR, PATNA
3. THE DEPUTY DIRECTOR OF CONSOLIDATION, PURNEA
4. THE CONSOLIDATION OFFICER, KURSE KANTA, ARARIA, PURNEA
5. NARAIN SAH
6. BIJAY KUMAR, BOTH SONS OF BIDHI CHAND SAH, BOTH RESIDENT OF VILLAGE BETRAHA, POLICE STATION KURSE KANTA, DISTRICT PURNEA

.... Respondents

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Appearance :

For the Petitioners : Mr. Keshav Shrivastava, Sr. Advocate
Mr. Bhubneshwar Pd., Advocate

For the State : Mr. Mithilesh Kr.Upadhyay, AC to GP 10

For respondent no.5 : Mr. Anup Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

6 09-04-2015 Petitioners pray for quashing order dated 18.10.1994, passed in Consolidation Revision No. 765 of 1990, by which the Joint Director of Consolidation (HQ) Bihar, respondent no.2 was pleased to set aside order dated 28.3.1990, passed by respondent no.3 in Appeal no.88 of 1989-90 while reversing the order dated 20.1.1990, passed in Objection Case No. 260 of 1986-87.

The short facts of the case is that the opposite party filed Objection case no. 260 of 1986-87 which was allowed.

The petitioners, being aggrieved, preferred appeal which was allowed on 28.3.1990. The opposite parties in this writ petition went in appeal which in turn was allowed. The petitioners submit that thereafter the revision application was dismissed for non-prosecution.

Grievance of the petitioners is that without restoring the same, final order has been passed in the matter.

Respondent no.2 could not have passed final order without passing formal order restoring the application. In this view of the matter, this application is allowed. Revisional order dated order dated 18.10.1994, passed in Consolidation Revision No. 765 of 1990, is set aside and the matter is remitted to the authorities concerned for fresh adjudication of the matter after issuing notice to the opposite parties. As the petitioners are present in the court, they should appear before respondent no.2 concerned.

(Samarendra Pratap Singh, J)

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