

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9669 of 1995

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Lakhan Adhikari, son of late Kishuni Adhikari, resident of village and P.O. Chainsinghpatti, Police Station and District- Supaul.

.... Petitioner.

Versus

1. The State of Bihar
2. Deputy Director, Consolidation (Headquarters), Government of Bihar, Patna.
3. Deputy Director, Consolidation, Saharsa.
4. Consolidation Officer, Supaul.
5. Chandradeo Mahto, son of Late Mishari Mahto, resident of village and P.O. Chainsinghpatti, Police Station and District- Supaul.

.... Respondents.

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Appearance :

For the Petitioner/s : None

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 01-04-2015

No one appears for the petitioner. Counsel for the State is present.

2. No one appears on behalf of private respondent, in spite of valid service of notice.

3. The petitioner has prayed for quashing order dated 20.01.1995, passed by Deputy Director, Consolidation, Headquarter, Bihar, Patna in Consolidation Revision Case No.1844/1990, wherein he held that Survey plot no. 3397 measuring 25 decimals has been carved out of the C.S. plot no. 3522 and as such the Deputy Director, Consolidation committed an error of record. The petitioner in support of his submission has relied upon various documents.



4. The case of the petitioner is that his grand-mother, Pancha Devi, purchased the land through registered sale deed on 01.11.1956. A Jamabandi was also running in her land and rent receipts were also issued. During revisional survey operation, new plot no. 3397 along with other plots were carved out of C.S. plot no. 3522. However, before finalization of revisional survey operation Chakbandi operation came to be made. The petitioner filed objection under Section 10(2) of the Consolidation Act, which was allowed. The private respondent filed Objection Case No. 783 of 1989 before the Consolidation Officer, Supaul, which was dismissed. Whereafter, the private respondent filed Consolidation appeal, which too was rejected on 03.09.1990. A revision was filed before the Director, Consolidation, Bihar, Patna under Section 35 of the Consolidation Act, which was allowed by the Deputy Director, Consolidation on 20.01.1995. In his order, the Deputy Director, Consolidation observed that new plot no. 3397 has been carved out to old plot nos. 3396 and 3522.

5. The petitioner relying upon list of document stated that plot no. 3397 has been carved out from plot no. 3522 and not from plot no. 3396.

6. In my view, the matter requires reconsideration. The impugned order dated 20.01.1995 of Deputy Director, Consolidation

is set aside and the matter is remanded for fresh consideration after due notice to the parties.

7. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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