

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6324 of 1994

- =====
1. Jaggarnath Singh, son of Late Rameshwar Singh
 2. Bodh Narayan Singh
 3. Binay Kumar Singh
 4. Manoj Kumar Singh, all the three sons of Jaggarnath Singh, resident of Village Pounkari, P.S. Shambhuganj, P.O. Basbitta, Via Belhar, District Bhagalpur (New Banka)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Director, Consolidation (Headquarter) Patna, empowered U/S 35 of the Consolidation Act
3. Assistant Director, Consolidation, Bhagalpur
4. Consolidation Officer, Shambahuganj, District Bhagalpur
5. Rajendra Prasad Singh
6. Ashok Kumar Singh
7. Surendra Prasad Singh
8. Anil Kumar Singh, all the four sons of Late Santokhi Singh, residents of At & P.O. Baidpur, P.S. Shambhuganj, District Bhagalpur (presently new District Banka)

.....Respondent 2nd

Set

9. Baijnath Singh
10. Basuki Prasad Singh, both sons of Late Rameshwar Singh

.....Respondent 3rd Set

11. Bhagirath Singh
12. Shiromani Singh, both sons of Late Gaya Prasad Singh
13. Nand Lal Singh
14. Shankar Prasad Singh, both sons of Late Ram Bharosa Singh, all residents of Village Pounkari, P.S. Shambhuganj, P.O. Basbitta Via Belhar, District Bhagalpur (now Banka)

.... Respondent 4th Set

=====

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate
For the Respondent/s : Mr. Din Bandhu Singh, GP-IX

=====

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 07-05-2015

Heard learned counsel for the petitioners, the State
and Sri Narayan Singh, Senior Advocate appearing for private
respondents.



2. Petitioners are aggrieved by the order dated 18.05.1994 passed by the Deputy Director, Consolidation (Headquarter), Bihar, Patna, in Revision Case No. 1603 of 1991 whereunder khata of the lands in question has been directed to be created in favour of respondents in the light of gift deed executed by Bhagwati Devi and sale deed executed by her daughter Jaya Devi in favour of respondents.

3. Banwari Mandal, husband of Bhagwati Devi died sometimes prior to coming into force of the Hindu Succession Act, 1956 leaving behind his widow Bhagwati Devi and daughter Jaya Devi. After enactment of Hindu Succession Act, 1956 Bhagwati Devi became successor of the properties left behind by her husband and her name was entered in the revisional survey record. In the light of the revisional survey entries Bhagwati Devi executed deed of gift for the lands in question in favour of her daughter Jaya Devi. Son of Jaya Devi is said to have executed the impugned sale deeds on the basis of which consolidation entries has been made in favour of respondents and has been accepted by the revisional consolidation authorities.

4. Petitioners dispute the genuineness of the gift deed as also the impugned sale deeds, which has been recognized by the revisional consolidation authorities. In the circumstances,

the findings recorded by the revisional consolidation authorities shall be subject to the findings recorded by the competent civil court. Accordingly, the writ petition is disposed of granting liberty to the petitioners to file a suit for avoiding the deed of gift as also the impugned sale deeds.

(V.N. Sinha, J.)

Rajesh/-

U			
---	--	--	--