

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10077 of 1995**

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Raj Kishore Rai, Son of Late Tulsi Rai, resident of village- Musiyan, P.O. Bagarhi,  
Police Station- Ramgarh, Dist. Kaimur at Bhabhua.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Research Officer, Consolidation Directorate, Bihar, Patna
3. Deputy Director of Consolidation, Rohtas at Sasaram
4. The Consolidation Officer, Ramgarh, Dist. Rohtas now Kaimur at Bhabhua
5. Ram Dhani Pal (since deceased)
6. Etwari Devi, Wife of Ram Dhani Pal

Both residents of village Darauli, P.O. Bagarhi, P.S. Ramgarh, Dist. Kaimur  
at Bhabhua

.... .... Respondents

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**Appearance :**

For the Petitioner : None

For the Respondents : Syed Hussain Majeed, Adv.  
Narendra Kumar, AC to SC-22

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**ORAL JUDGMENT**

**Date: 16-07-2015**

Learned counsel appearing for respondent Nos.5  
and 6 submits that respondent No.5 died during pendency  
of the writ petition and has not been substituted. In my  
view, it makes no difference inasmuch as the estate of  
respondent No.5 is duly represented by respondent No.6  
who happens to be the wife of respondent No.5.

In spite of repeated calls, no one appeared for  
the petitioner. Respondent No.6 is represented.

Learned counsel for the contesting respondent  
submits that there is no merit in the writ petition inasmuch



as all the three authorities, i.e. the Consolidation Officer, the Appellate Authority and the Revisional Authority, have consistently held against the writ petitioner. He submits that the issue was whether the petitioner had sold his land to the contesting respondent Nos.5 and 6 and, as such, were respondent Nos.5 and 6 entitled to get those lands mutated and a 'Chak' prepared in respect thereof. The case of the writ petitioner was that though he had taken permission to sell the land to Respondent No.6, pursuant thereto he had executed registered sale deed in favour of Respondent No.6. He had not delivered documents after registration inasmuch as he retained the 'Chirkut' as consideration was to be paid. He subsequently executed yet another deed of cancellation for failure to pay consideration. According to the petitioner, this clearly shows that there was no transfer of property in land and no right accrued to Respondent No.6. The authorities have consistently held that the petitioner took no steps to file a suit for cancellation of the sale deed or for recovery of the consideration money. Those suits having become barred by limitation, mere executing a deed of cancellation of sale deed earlier executed is of no avail. The authorities came to a finding that the contesting respondents had also been

delivered possession and were in possession as per the sale deed. In view of the aforesaid findings, the application, the appeal and the revision preferred by the petitioner were all dismissed.

Having considered the matter, in my view, there being concurrent finding of fact by the three statutory authorities, in this jurisdiction of original review, it is not open for this Court to re-consider them. They were competent to decide. They heard the parties and decided and, legally, there is no infirmity in the decision. Thus, I am unable to interfere in the matter.

Accordingly, writ application is dismissed.

**(Navaniti Prasad Singh, J)**

K.C.jha/-

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