

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4438 of 1994

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Subedar Singh, son of Raj Kumar Singh, resident of Village – Ratanpura, PS – Kargahar, District - Rohtas

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Joint Director of Consolidation (Headquarters), Bihar, Patna
- 3 The Deputy Director of Consolidation, Rohtas, Sasaram
- 4 Consolidation Officer, Kargahar, Rohtas
- 5 Jeetan Singh, son of Ram Pati Singh
- 6 Ram Parikhan Singh, son of late Somari Singh
- 7 Amardeo Singh
- 8 Radhey Shyam Singh
- 9 Umashankar Singh
- 10 Shyam Narayan Singh, sons of late Ramker Singh
- 11 Haridwar Sah
- 12 Harihar Sah
- 13 Bikram Sah, sons of Ram Prasad Sah
- 14 Ram Bachan Sah
- 15 Sardar Sah
- 16 Munni Sah, sons of Shiv Sah, residents of Village – Ratanpura, PO – Basahi (Basawan), PS – Kargahar, District - Rohtas

.... Respondent/s

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For the Petitioner/s : Mr Surendra Kr Singh, Sr Advocate with
Mr Praveen Prakash, Advocate

For the S t a t e : Ms Nivedita Nirvikar, GA X

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 01-04-2015

The private respondents, being aggrieved by the entries as recorded in respect of certain lands which were shared as between the private respondents and the petitioner, filed their objection which was negatived by the consolidation authorities. They took the matter upto the High Court and could not get it reversed. In the High Court, the case was dismissed for non-prosecution. Thus, the order attained finality. Notwithstanding aforesaid, the private respondents of the

second group that is respondents No 11 to 16 then again moved the consolidation authority. The consolidation authority, without notice to the parties, accepted the plea of exchange of land and ordered for its correction effectively what had been earlier refused.

2 Learned counsel for the petitioner submits that in view of the provisions of Section 10-A of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, the authorities could not have passed such an order. The revisional authority ought to have interfered but wrongly refused to interfere.

3 Be that as it may, having considered the matter, in my view, once the order had attained finality at the instance of the private respondents of the first set that is respondents No 5 to 10, persons claiming under them by virtue of exchange or sale, could not get the matter reopened.

4 Accordingly, the order of the Consolidation Officer dated 28.11.1978 (Annexure 3) and subsequent orders from that are set aside.

5 The writ application is allowed.

(Navaniti Prasad Singh, J)

M.E.H./-

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