

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4469 of 1994

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Nagina Singh, son of Late Pachayan Singh, resident of Village- Gachhahi, P.S.-
Karakat, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Joint Director Consolidation, Bihar, Patna.
3. The Deputy Director, Consolidation, Rohtas at Sasaram.
4. The Consolidation Officer, Karakat, Rohtas.
5. The Assistant Consolidation Officer, Karakat, Rohtas
6. Bhola Singh, son of Late Sitaram Singh, resident of Village- Balia, P.S.
Nasariganj, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Shankar Sahay, Advocate.
Mr. A.N. Jha, Advocate.
Mr. A.N. Sahay, Advocate.
For the Respondents : Mr. Kundan Bahadur Singh, S.C. 22.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioner
and the State.

2. Petitioner is aggrieved by the order dated
29.12.1993 passed by Revisional Authority i.e. Joint
Director, Consolidation (Headquarter), Bihar, Patna in
Revision Case No. 647/91, Annexure-4, whereunder
order dated 28.03.1989 passed by Deputy Director,
Consolidation, Rohtas, Sasaram in Appeal No.
790/84-85 under Section 10(6) of the Consolidation
Act has been set aside and petitioner's claim over

Revisional Survey Plot No. 135 appertaining to Khata No. 69, Area 1.05 acre has been rejected holding that the gift deed dated 01.06.1968 executed by Bali Singh is not a valid document as on the date of execution of the gift deed Bali Singh was insane. Notwithstanding the aforesaid finding recorded by the Revisional Authority petitioner claims that he has been in possession of the lands-in-question throughout.

3. The finding with regard to insanity of Bali Singh could not have been recorded by Revenue Authorities. Accordingly, while disposing of the writ petition, I observe that petitioner or his legal heirs, representative shall be entitled to claim title over the lands-in-question in the light of the registered deed of gift until a contrary finding by a competent Civil Court that Bali Singh was insane on the date of execution of the gift deed is recorded.

(V.N. Sinha, J)

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