

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6578 of 1994

1. Bipin Bihari Singh, son of Late Deoraj Singh,
2. Rajbansh Singh
3. Deobansh Singh, both sons of Late Ram Bachan Singh
All residents of Village Minpura, P.S. Kargahar, District Rohtas
.... Petitioner/s

Versus

1. The State of Bihar
2. Joint Director, Consolidation, Patna
3. Deputy Director, Consolidation, Rohtas
4. Consolidation Officer, Kargahar, Rohtas
5. Anant Sukla
6. Tapeswar Sukla, both sons of Din Dayal Sukla and Smt. Fulmati Devi,
resident of Indour, P.O. Kahori, P.S. Kargahar, District Rohtas
7. Bishwanath Tiwary, son of Triveni Tiwary
8. Rajendra Tiwary, son of Jagdish Tiwary
9. Awadhesh Tiwary
10. Parashnath Tiwary
11. Kedar Tiwary, 9 to 11 sons of Triveni Tiwary, all residents of Mamuari, P.O.
Kopsar, P.S. Kargahar, District Rohtas
.... Respondent/s

Appearance :

For the Petitioners : Mr. Kumar Uday Singh, Advocate
Mr. Raghunandan Kumar Singh, Advocate
For Respondent nos. 5 to 11 : Mr. Satyapal Singh, Advocate
For the State : Mr. Mahboob Ashraf, AC to SC 27

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 14-05-2015

Heard learned counsel for the petitioners, the State
and the counsel for private respondent nos. 5 to 11.

2. This writ petition is directed against the order(s)
passed by the consolidation authorities i.e. Consolidation Officer,
Kargahar, Rohtas, Deputy Director, Consolidation, Rohtas and Joint
Director, Consolidation, Bihar, Patna whereunder claim of the

petitioners that they have valid title, possession over 94 decimals of Revisional Survey Plot No. 253/299 of Mauza Kheri has been negated in the light of the order passed by the revenue authorities under Section 103-A of the Bihar Tenancy Act (hereinafter referred to as the Act).

3. It is submitted on behalf of the petitioners that the consolidations authorities were required to have considered the claim of the parties over the lands in question independent of the order passed under Section 103-A of the Act in the light of the title documents i.e. registered sale deed dated 26.07.1917 executed by the then landlord in favour of Domi Mahto i.e. father of original petitioner no. 1 and Ram Tahal Mahto in whose favour by the said sale deed 5.58 acres of C.S. Plot No. 148 of village Kheri was transferred and the subsequent registered deed of settlement dated 10.09.1919 whereunder 8.41 acres of C.S. Plot No. 148 was settled with Domi Mahto and Ram Tahal Mahto and subsequent partition of the lands in question between the branches of Domi Mahto and Ram Tahal Mahto in which branch of Domi Mahto was given 2.50 acres of land in aforesaid C.S. Plot No. 148 of village Kheri.

4. The consolidation authorities having passed the impugned orders placing reliance only on the order passed by the revenue authorities under Section 103-A of the Act, such order is not

binding on the civil court. Accordingly, while disposing of the writ petition, I permit the petitioners as also private respondents to move the competent civil court claiming title, possession over the lands in question in the light of the aforesaid sale deed dated 26.07.1917 and registered deed of settlement dated 10.09.1919 executed by the then landlord of the lands in question. Until disposal of the suit filed by the petitioners or the private respondents, status quo over the lands in question shall be maintained.

(V.N. Sinha, J.)

Rajesh/-

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