

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9235 of 1994

1. (i) Mankeshra Devi widow of Shri Kedar Nath Dubey (deceased)
1. (ii) Saroj Dubey, son of Shri Kedar Nath Dubey (deceased)
1. (iii) Sachita Nand Dubey, minor son of late Kedar Nath Dubey
1 (iv) Arvind Dubey, minor son of late Kedar Nath Dubey, all resident of village – Auraiyan, P.O. Parari, Via- Kudra, P.S. Sheo Sagar, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Consolidation, Bihar, Budh Marg, Patna
3. The Joint Director, Consolidation (H. Qr.), Bihar, Budh Marg, Patna
4. The Assistant Director, Consolidation, Rohtas at Sasaram
5. The Consolidation Officer, Sheosagar, Post Office and Police Station- Sheosagar, District Rohtas
6. Mostt. Sarsunara Widow of Baij Nath Dubey (deceased)
7. Raj Bansh Dubey, son of Baij Nath Dubey (deceased) Resident of Village – Pannapur, Police Station – Bhagwanpur, District – Bhabua
8. Lalita Devi, wife of Inardeo Pandey, resident of Village – Sushina, Police Station – Kargahar, Post Office – Gori, District – Rohtas
9. Deopati wife of Achaibar Pandey, resident of village – Bhitari – Bandh, Post Office – Bhitari Banch, P.S. Karamchat, District – Rohtas
10. Shail Kumar, wife of Sheo Kumar Pandey, resident of Village - Chankhara, Police Station – Kudara, Post Office- Mohan Darwan, District – Bhabua
11. Manpati, wife of Lal Muni Tiwary, Resident of Village – Ganeshpur, Police Station – Chenari,

.... Respondent/s

Appearance :

For the Petitioner/s : None
For the State : Mr. Din Bandhu Singh, G.P.-9
For private Respondent
Nos. 7 : Mr. Nagendra Dubey, Advocate
For private Respondent
Nos. 8, 9 & 11 : Mr. Sunil Srivastava, Advocate
Mr. Balram Upadhaya, Advocate

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 21-05-2015

None appears for the petitioner. Same was the position
on 19.05.2015, as such, with the help of counsel for the State and



learned counsel appearing for private Respondent nos. 7 and 8, 9 and 11, I have perused the impugned orders dated 06.09.1988, Annexure-1 passed by the Consolidation Officer, Sheo Sagar, Rohtas in Case No. 287/1982, order dated 23.06.1992 passed by the Assistant Director of Consolidation, Rohtas in Appeal No. 821 of 1988-89, Annexure-2 and the order dated 06.08.1994 passed by the Joint Director of Consolidation (Headquarters), Bihar in Revision Case No. 169 of 1993, Annexure-3 whereunder the partition of the lands in question in the light of the request of the contesting respondents has been effected by the Consolidation Officer and affirmed in appeal and revision. The order bifurcating the lands has been passed without the consent of the petitioner, another co-sharer.

2. In terms of proviso to sub-section (2) of Section 8A of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, concerned Consolidation Officer has the jurisdiction to partition the holdings with the consent of the raiyats. From the impugned orders, it does not appear that the lands in question has been partitioned with the consent of the petitioners.

3. In the circumstances, while disposing of the writ petition, it is observed that the parties are at liberty to approach the competent Civil Court for partition of the lands in question, if they are

not satisfied with the arrangement made under the impugned order.
Until contrary arrangement is made by the competent Civil Court,
status quo over the lands in question be maintained.

(V.N. Sinha, J.)

Arjun/-

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