

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8408 of 1994

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Ghurphekani Devi, daughter of Shri Mathura Sah, resident of village – Ghali, P.S. – Bhagwanpur, District – Rohtas.

.... Petitioner

Versus

1. The State of Bihar
 2. Consolidation Officer, Bhagwanpur, Rohtas.
 3. Deputy Director Consolidation, Rohtas, Sasaram
 4. Deputy Director (Head Quarter), Bihar, Patna.
 5. Ramkrit Sah, son of Dashrath Sah
 6. Gupat Sah, son of Kukund Sah
 7. Kukhai Devi, Daughter of Mathura Sah
 8. Basmati Devi, Daughter of Mathura Sah
- All resident of village – Ghali, P.S. – Bhagwanpur, District – Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Surendra Kumar Singh, Advocate
Ms. Tulika Singh, Advocate

For the Respondent No.5: Mr. Anjani Kumar Sinha, No.1, Advocate

For the State : Mr. Mahboob Ashraf, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 16-04-2015

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the private respondents.

The petitioner is the daughter of one Mathura Sah as appears from the undisputed genealogy. Mathura Sah died leaving behind his widow, one son and four daughters, one of whom is the writ petitioner. There is controversy as



to when the son Ram Chander Sah died. Petitioner claimed that he had pre-deceased Mathura Sah, whereas the private respondents claim that he had died subsequently the writ petitioner claimed that they were successors to the estate of Mathura Sah. As such, in respect to entire lands, which had earlier stood in the name of Mathura Sah in the consolidation proceedings, their names be mutated. This plea was taken as against their cousin Ramkrit Sah and Guput Sah, the two being sons of Dashrath Sah and Mukund Sah respectively who were brothers of Mathura Sah. Their cases was that after death of Mathura Sah, his widow Most. Punia Devi sold the lands which she had inherited upon death of her husband. The four daughters had been married and separated. Most. Punia Devi then sold certain lands to Ramkrit Sah and Guput Sah. Accordingly, their names were mutated. On the basis of same, consolidation proceedings started. There was preliminary publication and final publication to which the writ petitioner or her sisters never objected. Belatedly long after expiry of period of limitation without even seeking condonation of delay, application under Section 10(B) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter

referred to as the “Consolidation Act”) was filed. Noticing these facts and the belated challenge, the Consolidation Officer, in my view, rightly rejected the claim of the writ petitioner. This was not interfered either by the appellate authority or by the Revisional authority.

For the reasons aforesaid, I see no reason to interfere in the matter. This writ application is dismissed. However, upon conclusion of entire consolidation proceedings, the petitioner, if so advised, may take such remedy which may be available to her in accordance with law.

(Navaniti Prasad Singh, J.)

Rajeev/NAFR

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