

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13017 of 1993**

- =====
1. Chandrika Prasad Singh
  2. Chandra Mohan Singh
  3. Shatrughana Singh
  4. Jaswant Singh. All sons of Raghuwansh Narain Singh, resident of Village – Kuari Khurd alias Balwakuari Anchali, P.S. Hajipur, District Vaishali
- .... .... Petitioners

Versus

1. The State of Bihar
  2. Joint Director of Consolidation, Muzaffarpur
  3. Assistant Director, Consolidation, Vaishali at Hajipur
  4. Assistant Consolidation Officer, Hajipur
  5. Chatrabhuj Jha
  6. Shyam Narain Jha
  7. Nand Kishore Jha. All sons of Purandra Jha, all resident of village – Birsaid, P.S. and District – Madhubani.
  8. Yogendra Kuar son of Raghunath Kuar of Village – Gaddopur, P.S. Mahua, District - Vaishali
- .... .... Respondents
- =====

**Appearance :**

For the Petitioners : Mr. Anil Kumar Singh No.6, Advocate  
For the State : Mr. Manoj Kumar Jha, A.C. to G.P.26

=====

**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**ORAL JUDGMENT**

**Date: 16-04-2015**

Heard learned counsel for the petitioners and the State.

2. It appears, Title Suit No. 147 of 1960 instituted in the Court of Munsif 1<sup>st</sup> at Hajipur on 09.09.1960 was disposed of under judgment and decree dated 05.08.1968. The subject matter of this writ case i.e. plot no. 237 appertaining to khata no. 133, Thana no. 106 in village Kuari Khurd within Hajipur Circle measuring an area of 1.75 acres and another plot no. 73 appertaining to khata no. 71, Thana no. 123 of village



Balwakauru within Hajipur Circle measuring an area of 20 decimals became subject matter of Consolidation Case no. 153 of 1986 which was disposed of under order dated 30.05.1986, Annexure-2 by the Consolidation Officer, Bidupur, Hajipur against which Appeal Case Nos. 442 of 1987, 348 of 1986-87 were filed in the Court of Deputy, Assistant Director, Consolidation, Vaishali and disposed of under order dated 15.10.1987, 30.05.1988 respectively. Order dated 15.10.1987, 30.05.1988 were assailed by filing Revision Case Nos. 133, 2633 both of 1988 in the Court of Joint Director, Consolidation, Muzaffarpur. Both the aforesaid revisions were dismissed under order dated 22.06.1993, Annexure-4. The order(s) passed by the Consolidation Authorities have been assailed in this writ case.

3. It is submitted on behalf of the petitioners that entire subject matter of the consolidation proceeding was not the subject matter of the aforesaid title suit. Orders passed by the Consolidation Authorities are always subject to the findings recorded by a competent Civil Court.

4. Accordingly, this writ petition is disposed of granting liberty to the petitioners to claim title and possession over the lands in question by filing a suit in the competent Civil Court and the findings recorded by the Consolidation

Authorities under the orders referred to above shall be subject to  
the result/ findings recorded in the title suit to be filed hereafter.

(V.N. Sinha, J.)

Arjun/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|