

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8698 of 1995

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Kauleshwar Koiri, Son of Ram Sewak Koiri, resident of Village- Chanda, Post-Arak, Police Station- Brahampur, District- Buxar.

.... Petitioner.

Versus

1. The State of Bihar
2. Director Consolidation, Bihar, Patna.
3. Deputy Director Consolidation, District- Bhojpur.
4. Assistant Deputy Director Consolidation, District- Bhojpur.
5. Consolidation Officer, Anchal Brahampur.
6. Dahari Yadav, Son of Sheo Deni Yadav, resident of Village- Chanda, Post-Arak, Police Station- Brahampur, District- Buxar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RAM NARESH SHARMA

For the Respondent/s : Mr. (GP2)

Mr. Subhash Chandra Yadav

Mr. (Ga2)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 01-04-2015

The petitioner prays for setting aside the order dated 12.09.1995, passed by Research Officer, in Revision Case No. 1223 of 1994 under Section 35 of the Consolidation Act for making correction in Survey Map in respect to R.S. Plot no. 17.

The case of the respondent is that some area of C.S. plot no. 475, Revisional Survey plot no. 17 has wrongly been amalgamated in Revisional Survey plot no. 16, which belongs to the petitioner.

The petitioner submits that when the case was reserved for order, the Research Officer called for the report from the Assistant Consolidation Officer. Subsequently, the Research Officer has passed

the impugned order after taking into consideration the enquiry report of Assistant Consolidation Officer without providing an opportunity to meet the findings recorded in the enquiry report.

I find that the Consolidation authority ought to have heard the petitioner, if the order was to be based on enquiry report, which was called at the time of reserving the order.

In the result, this writ petition succeeds. The impugned order dated 12.09.1995 is set aside and the matter is remanded to appropriate authority for fresh decision after providing an opportunity of hearing to both sides.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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