

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1950 of 1995

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1. (a) Shyama Devi, wife of Ramanand Mandal
 1. (b) Suresh Kumar Mandal, son of Ramanand Mandal
 1. © Sanjay Kumar Mandal, son of Ramanand Mandal
 1. (d) Ajay Kumar, son of Ramanand Mandal
 2. Sukaldeo Mandal, son of late Ravi Lal Mandal
 3. Bhupal Deo Manda, son of late Ravi Lal Mandal
 4. Rupal Deo Mandal, son of late Ravi Lal Mandal

.... Petitioners

Versus

1. The State of Bihar
2. The Joint Director of Consolidation, Bihar, Patna
3. The Deputy Director of Consolidation, Kishanganj.
4. The Consolidation Officer, Palasi, District-Araria.
5. Mostt. Kanhaiya Devi, wife of Late Kailu Bishwas, resident of Village-Dhangama, Police Station- Palasi, District- Araria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. A.K.MALLICK

For the Respondent/s : Mr. AC to G.P. 10.

Mr. Uday Bhanu Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 16-04-2015

Out of four petitioners, petitioner no.1, namely, Ramanand Mandal, has died and substituted by order dated 28.02.1996.

2. Petitioners' case is that they possess the lands of Revisional Survey Plot nos. 161, 162, 193 and 164 and other lands appertaining to Revisional Survey Khatian No.9.

3. According to them, the lands are adjacent to the homestead land and in one compact block. During Chakbandi operation, the said land was detached from the petitioners' compact block without recommendation of Village Advisory Committee and in

teeth of Sub-Clause 2 (d), (e) and (f) of Section 11 of the Act.

4. Being aggrieved, the petitioners filed objection case no. 165 of 1989-90 and 204 of 1989-90, which were allowed. An appeal preferred against the order bearing Appeal No. 115 of 1991 and 114 of 1991 were too dismissed.

5. It appears that the Director, Consolidation has set aside the order passed by the Consolidation Officer, Palasi and Deputy Director of Consolidation, Kishanganj on the ground that the same were decided ex parte and without consideration of relevant facts.

6. In my view, the Director, Consolidation erred in setting aside the order of the appellate authority as well as Consolidation Officer, as the orders are well discussed. Furthermore, nothing appears from the orders of the Courts that that the order is ex parte.

7. In the result, this application is allowed. The impugned order passed by the Director, Consolidation is set aside.

8. However, it will be open for the respondents to prefer a suit, if so advised, in case, if they are aggrieved.

(Samarendra Pratap Singh, J.)

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