

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7548 of 1997

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Badri Pandey, Son of Ram Naresh Pandey, resident of Village-Gorhan, P.S.-
Bhabhua, District-Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Research Officer, Directorate of Consolidation, Bihar, Patna.
3. Deputy Director Consolidation, Rohtas at Sasaram.
4. Consolidation Officer, Bhabua.
5. Ravikant Chaubey, Son of Madan Dehari Chubey, resident of Village-Darhnia,
P.S.-Bhabua, District-Kaimur.
6. Sheo Raju Singh, Son of Late Lalan Singh.
7. Hira Singh, Son of Late Bishwanatha Singh
Both resident of Village-Mokaree, P.S. and District-Bhabua.
8. Rajwanti Devi, Wife of Radhey Singh, resident of Village-Akhalaspur, P.S. and
District-Bhabua, at present Village-Sarangpur, P.S. and District-Bhabua.
9. Ram Anant Singh, Son of Late Ganesh Singh, resident of Village-Dumdum, P.S.
and District-Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Respondent (State) : Mr. Indrajeet Bhushan, Advocate (AC to GP-2)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 16-04-2015

Heard the parties.

2. In order to challenge the order dated 18.05.1995



passed by the Research Officer, Directorate of Consolidation, Bihar, Patna in Revision Case No. 464 of 1993, preferred against the order passed by the Deputy Director, Consolidation, Rohtas at Sasaram in Appeal No. 757 of 1987-88, a very short submission has been made on behalf of the petitioner that the Research Officer did not have jurisdiction to exercise revisional power under Section 35 of the “The Bihar Consolidation of Holdings & Prevention of Fragmentation Act, 1956” (hereinafter referred to as the ‘Act’).

3. Learned counsel for the petitioner appears to be correct in his submission that under Section 35 of the Act, it is the Director, Consolidation or any other Officer authorized in that behalf, who can have the jurisdiction of Revisional Authority and no other Authority or Officer could exercise such power. He submits that Research Officer is certainly not Director of Consolidation. He has placed reliance upon a decision of this Court in a case “**Danu Mahto vs. The State of Bihar & Ors.**”, reported in “1998 (1) PLJR” as well as upon another order of this Court dated 09.05.1997 passed in C.W.J.C. No. 11518 of 1994, wherein, the Court came to specific finding that the Research Officer was an Officer in the rank of Deputy Collector, whereas, the Deputy Director,

Consolidation, Rohtas himself was in the rank of Additional Collector.

5. I am convinced with the submission that the Research Officer could not have exercised revisional jurisdiction, in the facts and circumstances of the case, against the order of the Deputy Director, Consolidation, who was in the same rank or in higher rank than the Revisional Authority himself.

6. The impugned order dated 18.05.1995 cannot be sustained and is, accordingly, set aside.

7. The matter is remitted back to the Director, Consolidation, Bihar for taking a decision afresh in accordance with law.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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