

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5864 of 1994

- =====
- 1(i).Jhabu Tiwari, son of late Sudarshan Tiwari, resident of Village- Ramgarah, P.S. Ramgarah, District- Kaimur.
- 1(ii).Sharda Devi, wife of Late Ram Awdhesh Tiwari, resident of Village- Ramgarah, P.S. Ramgarah, District- Kaimur.
- 1(iii) Savitri Devi, w/o-Pramod Shankar Pandey, resident of Village- Ramgarah, P.S. Ramgarah, District- Kaimur.
2. Suchana Kuer, widow of Late Baleshwar Tiwari, resident of Village- Ramgarh, P.S. Ramgarh, District- Rohtas.

.... Petitioners

Versus

1. The State of Bihar
 2. The Land Reforms Commissioner, Bihar, Old Secretariat, Patna
 3. The Secretary, Department of Revenue, Govt. of Bihar, Old Secretariat, Patna.
 4. The Deputy Secretary, Department of Revenue, Govt. of Bihar, Old Secretariat, Patna.
 5. The Additional Secretary, Department of Revenue, Govt. of Bihar, Old Secretariat, Patna.
 6. The Director of Consolidation, Bihar, Budh Marg, Patna.
 7. The Deputy Director of Consolidation, Rohtas at Sasaram.
 8. The Consolidation Officer, Ramgarh, District- Rohtas.
 - 9(i). Shubhash Dayal Tiwari, son of Late Rajeshwar Tiwari
 - 9(ii). Chaturbhuj Tiwari, son of Late Rajeshwar Tiwari.
- Both resident of Village- Ramgarah, P.S. Ramgarah, District- Kaimur.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Deo Narayan Yadav, Sr. Advocate

For the Respondents : Mr. Rewati Kant Raman, Advocate

Mr. Mahesh Prasad, Advocate.

Mr. Din Bandhu Singh, G.P. IX.

Mr. Santosh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 30-04-2015

Heard learned counsel for the petitioners

and the counsel for the State as also Sri Mahesh

Prasad, Rewati Kant Raman for the

contesting/substituted respondents.



2. This writ petition is being heard in the light of the order passed by the Division Bench dated 24.02.1997 in L.P.A. No. 400 of 1995. By filing the writ petition petitioner assailed the order dated 02.12.1992 passed by Deputy Director, Consolidation, Rohtas, Sasaram in Appeal No. 934/87-88, whereunder learned Deputy Director set aside the order dated 12.10.1987 passed by the Consolidation Officer, Ramgarh in Case No. 98/86-87 rejecting the objection filed by Private Respondent No. 9, held that in the light of the compromise arrived at between the parties in 146 Cr.P.C. proceedings Respondent No. 9 shall be entitled to lands of Khata No. 54 (Ka) measuring an area of 4 acres, as Respondent No. 9 was given such land in the compromise arrived at between the parties in 146 Cr.P.C. proceedings. Respondent No. 9 herein did not accept the compromise, filed Title Suit which granted Respondent No. 9 and the petitioners half share each in the suit property. Petitioners herein thereafter assailed the judgment, decree passed by the trial court before the first appellate court. The appellate court set aside the judgment, decree passed by the trial court



maintaining the compromise arrived at in 146 Cr.P.C. proceedings granting 4 acres of land to Ram Karan Tiwari against which Ram Karan Tiwari preferred second appeal which was disposed of maintaining the compromise. On the basis of the findings recorded by the competent Civil Court, affirmed up to High Court Consolidation Officer, Ramgarh passed order dated 12.10.1987, Annexure-1, Deputy Director, however, took a contrary view under order dated 2.12.1992, Annexure-2, his order is fit to be set aside maintaining the initial order passed by the Consolidation Officer dated 12.10.1987, Annexure-1 as the same is passed in the light of the compromise arrived at between the parties, affirmed up to High Court.

3. The writ petition is, accordingly, allowed, order dated 02.12.1992, Annexure-2 passed by Deputy Director, Consolidation is set aside and order dated 12.10.1987, Annexure-1 is maintained.

(V.N. Sinha, J)

P.K.P.

U			
---	--	--	--