

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1391 of 1998
IN
Civil Writ Jurisdiction Case No. 10276 of 94**

- =====
1. Rajendra Singh
 2. Jitendra Singh .Both sons of Late Baban Singh, Resident of Village - Mirian, P.S. - Bhabhua, District - Kaimur

.... Petitioners.... Appellant/s

Versus

1. The State of Bihar
 2. Director, Consolidation, Bihar, Patna
 3. Deputy Director, Consolidation, Rohtas (Sasaram)
 4. Consolidation Officer, Bhabhua, District Bhabhua
 5. Premchand Sahu, son of Late Sarva Sahu, resident of Village & P.O. Fakhrabad, P.S. Kudra, District Rohtas (Died)
 6. Jagdish Singh, son of Narbadeshwar Singh, resident of Baradaud, P.S. Paru, District Muzaffarpur (Died)
 7. Kishori Devi, W/o Late Devendra Singh
 8. Krishna Kumari, D/o Late Bhagwan Singh
 9. Narendra Singh, son of Suraj Singh
- All residents of Mohalla Anaith, P.O. Nawadah, P.S. Nawadah, District Bhojpur

.... Respondents.... Respondent/s

With

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**Letters Patent Appeal No. 1421 of 1998
IN
Civil Writ Jurisdiction Case No. 10273 of 94**

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1. Rajendra Singh
2. Jitendra Singh. Both sons of Late Baban Singh, Resident of Village - Mirian, P.S. - Bhabhua, District - Kaimur

.... Petitioners.... Appellant/s

Versus

1. The State of Bihar
2. Director, Consolidation, Bihar, Patna
3. Deputy Director, Consolidation, Rohtas (Sasaram)
4. Consolidation Officer, Bhabhua, District Bhabhua
5. Smt. Parmila Devi, wife of Satish Chand Chaubey
6. Amar Nath Chaubey
7. Madan Mohan Chaubey, both sons of Satish Chand Chaubey. All residents of Village Mirian, P.S. Bhabhua, District Kaimur (Bhabhua)
8. (i) Manorama Pandey, wife of Om Prakash Pandey, resident of Village Rajiyabandh, P.O. Bambhour Khas, P.S. Mohania, District Kaimur, Bhabua
(ii) Shashi Dubey, wife of Birender Dubey, resident of Village Panapur, P.O. Sonhan, P.S. Sonhan, District Kaimur, Bhabua
(iii) Sita Kumari, D/o Late Satish Chandra Choubey, resident of Village

Miriya, P.O. Odar, P.S. Sonhan, District Kaimur, Bhabua

(iv) Abhay Katyayan, son of Late Satish Chandra Choubey, resident of Village Miriya, P.O. Odar, P.S. Sonhan, District Kaimur, Bhabua

9. Jagadish Singh, son of Narbadeshwar Singh, resident of Village Bara, Daud, P.S. Paru, District Muzaffarpur

10. Satyendra Bahadur Singh, son of Ram Bahadur Singh, resident of Village Pokharpur, P.S. Paras, District Muzaffarpur

11. Mostt. Kishori Devi, wife of Late Devendar Singh, resident of Mohalla Anaith, P.S. Nawada, District Bhojpur

12. Krishna Kumar Daughter of Sri Bhagwan Singh and W/o Lal Gridhar Nath Sahdeo, resident of Mohalla Old Lake Road Ranchi, P.S. Ranchi, District Ranchi

13. Narendra Singh, son of Late Suraj Singh, resident of Mohalla Anaith, P.S. Nawada, District Bhojpur

14. (i) Lakashimi Devi, wife of Late Surendra Singh

(ii) Rajan Pd. Singh

(iii) Sanjay Pd. Singh

(iv) Raj Kumar Singh

(v) Rakesh Kr. Singh

(vi) Abhishek Kr. Singh, all sons of Late Surendra Pd. Singh

(vii) Priya Kumari, D/o Late Surendra Pd. Singh. All are residents of Mohalla Anaith, P.S. Nawada, District Bhojpur, at present residing at Village Miriyan, P.S. Sonhan, Distt. Kaimur, Bhabhua

(viii) Minakshi Kumari, daughter of Late Surendra Pd. Singh and W/o Vijay Sinha, resident of Village Chainpur, P.O. Aima Vishanpur, P.S. Karja, Distt. Muzaffarpur

(ix) Manju Singh, wife of Pawan Kumar Singh, D/o Late Surendra Pd. Singh, resident of Village Sonepur, P.O. & P.S. Sonepur, District Saran (Chapra)

(x) Jyoti Kumari, wife of Amrit Sagar Singh, D/o Late Surendra Pd. Singh, resident of Mohalla D.M. Kothi Arrah, P.O. + P.S. Nawada, Distt. Bhojpur

15. Birendra Singh, son of Late Suraj Singh, resident of Mohalla Anaith, P.S. Nawada, District Bhojpur

.... Respondents.... Respondent/s

With

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Letters Patent Appeal No. 1423 of 1998

IN

Civil Writ Jurisdiction Case No. 10274 of 94

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1. Rajendra Singh

2. Jitendra Singh. Both sons of Late Baban Singh, Resident of Village - Mirian, P.S. - Bhabhua, District - Kaimur

.... Petitioners.... Appellant/s

Versus

1. The State of Bihar

2. Director, Consolidation, Bihar, Patna

3. Deputy Director, Consolidation, Rohtas (Sasaram)

4. Consolidation Officer, Bhabhua, District Bhabhua

5. Narendra Pd. Singh, son of Late Suraj Pd. Singh

6. (i) Lakashimi Devi, wife of Late Surendra Singh
(ii) Rajan Pd. Siungh
(iii) Sanjay Pd. Singh
(iv) Raj Kumar Singh
(v) Rakesh Kr. Singh
(vi) Abhishek Kr. Singh, all sons of Late Surendra Pd. Singh
(vii) Priya Kumari, D/o Late Surendra Pd. Singh. All are residents of Mohalla Anaith, P.S. Nawada, District Bhojpur, at present residing at Village Miriyan, P.S. Sonhan, Distt. Kaimur, Bhabhua
(viii) Minakshi Kumari, daughter of Late Surendra Pd. Singh and W/o Vijay Sinha, resident of Village Chainpur, P.O. Aima Vishanpur, P.S. Karja, Distt. Muzaffarpur
(ix) Manju Singh, wife of Pawan Kumar Singh, D/o Late Surendra Pd. Singh, resident of Village Sonepur, P.O. & P.S. Sonepur, District Saran (Chapra)
(x) Jyoti Kumari, wife of Amrit Sagar Singh, D/o Late Surendra Pd. Singh, resident of Mohalla D.M. Kothi Arrah, P.O. + P.S. Nawada, Distt. Bhojpur
7. Birendra Pd. Singh, son of Late Suraj Pd. Singh
8. Sanjay Pd. Singh, son of Narendra Pd. Singh, all resident of Mohalla Anaith, P.S. Nawada, District Bhojpur
9. Mostt. Kishori Devi, wife of Devendra Pd. Singh, resident of Mohalla Anaith, P.S. Nawada, District Bhojpur
10. Hari Shankar Mishra
11. Parmeshwar Mishra, both sons of Late Sheoyogi Mishra
12. (i) Asha Devi, wife of Ramakant Ojha, resident of Nimez, P.S. Brahampur, District Buxar
(ii) Madhu Devi, wife of Shyam Sunder Ojha, resident of Village + Post Shawari, P.S. Sahar, District Bhojpur
(iii) Jyoti Kumari, daughter of Shasti Mishra,
(iv) Loveli Kumari, daughter of Shasti Mishra, both are resident of Mohalla Anaith, P.S. Nawada, District Bhojpur
13. Jaymata Devi, wife of Late Sheoyogi Mishra,
14. Urmila Devi, daughter of Late Sheoyogi Mishra
15. Lalan Mishra
16. Amar Mishra, both sons of Hari Shankar Mishra
17. Madhuri Devi, wife of Late Bachan Mishra, all residents of Mohalla Anaith, P.S. Nawada, District Bhojpur
18. Krishna Kumari, wife of Lal Girdhar Nath Shahdeo, resident of Old Lake Road, Ranchi, District Ranchi

.... Respondents.... Respondent/s

With

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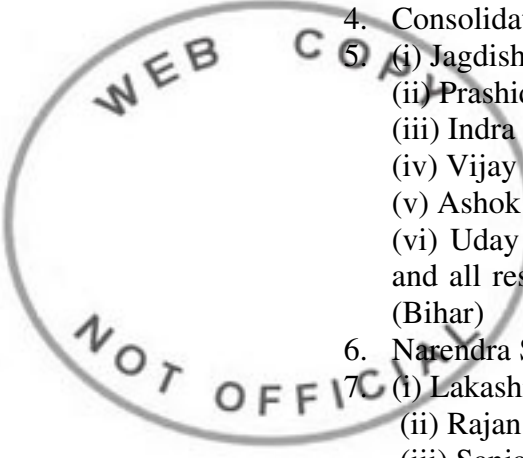
Letters Patent Appeal No. 1425 of 1998
IN
Civil Writ Jurisdiction Case No. 10275 of 94

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1. Rajendra Singh
2. Jitendra Singh. Both sons of Late Baban Singh, Resident of Village - Mirian, P.S. - Bhabhua, District - Kaimur

.... Petitioners.... Appellant/s

Versus

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1. The State of Bihar
 2. Director, Consolidation, Bihar, Patna
 3. Deputy Director, Consolidation, Rohtas (Sasaram)
 4. Consolidation Officer, Bhabhua, District Bhabhua
 5. (i) Jagdish Prasad Bari
(ii) Prashidh Prasad Bari
(iii) Indra Prasad Bari
(iv) Vijay Prasad Bari
(v) Ashok Prasad Bari
(vi) Uday Prasad Bari, all sons of Late Ram Dayal Prasad (respondent no. 5) and all residents of Village Mirian, P.S. Bhabhua, District Kaimur (Bhabhua), (Bihar)
 6. Narendra Singh, son of Suraj Prasad Singh
 7. (i) Lakashimi Devi, wife of Late Surendra Singh
(ii) Rajan Pd. Siungh
(iii) Sanjay Pd. Singh
(iv) Raj Kumar Singh
(v) Rakesh Kr. Singh
(vi) Abhishek Kr. Singh, all sons of Late Surendra Pd. Singh
(vii) Priya Kumari, D/o Late Surendra Pd. Singh. All are residents of Mohalla Anaith, P.S. Nawada, District Bhojpur, at present residing at Village Miriyan, P.S. Sonhan, Distt. Kaimur, Bhabhua
(viii) Minakshi Kumari, daughter of Late Surendra Pd. Singh and W/o Vijay Sinha, resident of Village Chainpur, P.O. Aima Vishanpur, P.S. Karja, Distt. Muzaffarpur
(ix) Manju Singh, wife of Pawan Kumar Singh, D/o Late Surendra Pd. Singh, resident of Village Sonepur, P.O. & P.S. Sonepur, District Saran (Chapra)
(x) Jyoti Kumari, wife of Amrit Sagar Singh, D/o Late Surendra Pd. Singh, resident of Mohalla D.M. Kothi Arrah, P.O. + P.S. Nawada, Distt. Bhojpur
 8. Birendra Singh, son of Suraj Prasad Singh
 9. Sanjay Prasad Singh, son of Narendra Singh
 10. (i) Lal Muni Devi, wife of Late Uma Shankar Singh
(ii) Krishna Singh, son of Late Uma Shankar Singh
(iii) Pramod Singh, son of Late Uma Shankar Singh
(iv) Mira Kumari, daughter of Late Uma Shankar Singh
(v) Kumkum Kumari, daughter of Late Uma Shankar Singh
(vi) Bharti Kumari, daughter of Late Uma Shankar Singh
(vii) Rubi Kumari, daughter of Late Uma Shankar Singh
(viii) Babli Kumari, daughter of Late Uma Shankar Singh, all are residents of Village Bhular, P.S. Udwanthnagar, District Bhojpur

.... Respondents.... Respondent/s

With

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Miscellaneous Jurisdiction Case No. 4022 of 2014

IN

LPA No. 1425 of 1998

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1. Rajendra Singh
2. Jitendra Singh Both are sons of Late Baban Singh, Resident of Village - Mirian, P.S. - Bhabhua, District - Kaimur

.... Petitioner/s

Versus

1. The State of Bihar
2. Director Consolidation, Bihar, Patna
3. Deputy Director, Consolidation, Rohtas (Sasaram)
4. Consolidation Officer, Bhabhua, District - Kaimur
5. Ram Dayal Prasad, S/o Late Ram Brichha Prasad, Resident of Village - Mirian, P.S. - Bhabhua, District - Kaimur
6. Narendra Singh
7. Surendra Singh
8. Birendra Singh, all Sons of Suraj Prasad Singh
9. Sanjay Pd. Singh, S/o Narendra Singh
10. Uma Shankar Singh, S/o Ambika Singh(deceased). All are resident of Village - Bhelahi, P.S. - Udwant Nagar, District - Bhojpur

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Suresh Roy, Sr. Advocate
Mr. Binod Kumar Singh, Advocate
Mr. Abhay Kumar Roy, Advocate
Mr. Anant Kumar Bhaskar, Advocate
For the State : Mr. Anis Akhtar, AC to GA-1

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 13-05-2015

M.J.C. No. 4022 of 2014 has been filed for restoration of L.P.A. No. 1425 of 1998 which stood dismissed against the heirs of respondent nos. 7, 10 for non-compliance of the order of this Court.

2. Having considered the submissions made in the restoration application, we are satisfied that due to bonafide mistake by the counsel for the petitioners the order of this Court could not be complied with. Accordingly, L.P.A. No. 1425 of

1998 is restored to its original file and number against respondent nos. 7, 10 and thereafter taken up for admission along with L.P.A. Nos. 1391, 1421, 1423 all of 1998.

3. M.J.C. No. 4022 of 2014 is, accordingly, disposed of.

4. These four Letters Patent Appeal(s) arise out of order of the learned Single Judge dated 30.11.1998, passed in C.W.J.C. Nos. 10273, 10274, 10275, 10276 all of 1994 whereunder the three orders dated 18.02.1985, 15.12.1986, 06.11.1994, passed by the Consolidation Authorities have been set aside together with the consequential orders granting liberty to the aggrieved person to move the civil court of competent jurisdiction for appropriate relief if permissible.

5. It is submitted on behalf of the appellants-writ petitioners that they have title, possession over the lands in question but the same is being disputed by the contesting respondents in the light of the sale deed which is a sham document as the executant of the said sale deed had no authority to execute such sale deed.

6. In view of the facts and circumstances of the case, we are satisfied that the claim for title and possession over the lands in question can be settled by the competent civil court,

as such, the four appeal(s) are disposed of granting liberty to the aggrieved person concerned to approach the competent civil court for declaration of title and possession over the lands in question. During pendency of title suit the status quo over the lands in question be maintained.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

Rajesh/-

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