

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7873 of 1994

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1. Ambika Tiwary, son of Late Laxman Tiwary
 2. Lalbachan Tiwary, son of Late Ramanandan Tiwary
 3. Ayodhya Tiwary, son of Late Ramanand Tiwary
 4. Hari Shankar Tiwary, son of Late Ramanand Tiwary
 5. Ram Lakhan Tiwary, son of Late Bachchu Tiwary
 6. Ram Kishun Tiwary, son of Late Bachchu Tiwary
 7. Shri Vikrama Tiwary, son of Late Bachchu Tewary
 8. Shri Krishna Pandey, son of Late Balgovin Pandey
 9. Rama Shankar Pandey, son of Late Balgovin Pandey
 10. Inderadeo Tiwary, son of Late Kumar Tiwary
 11. Chandrama Tiwary, son of Late Kapildeo tiwary
 12. Ramashish Tiwary, son of Kapildeo Tiwary

All are residents of village Urda, P.O. Dihi, P.S. Chenary, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Joint Director, Consolidation (H.Q.) Patna
(Land Mortgage Bank, Budh Marg, Patna)

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Ravindra Kumar Shukla, Advocate
For the State : Mr. Din Bandhu Singh, GP-IX

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 14-05-2015

Heard learned counsel for the petitioners and the
State.

2. Petitioners herein were opposite parties in Revision
Case No. 1265/86 disposed of by the Joint Director, Consolidation
(Headquarter), Bihar, Patna under order dated 27.06.1994, Annexure-
2.

3. It is submitted on behalf of the petitioners that after
disposal of the aforesaid revision case the Joint Director,



Consolidation (Headquarter), Bihar, Patna became functus officio and had no jurisdiction to issue fresh notice in the said revision case itself, as according to the petitioners, Director, Consolidation while exercising revisional jurisdiction under Section 35 of the Consolidation Act has no review jurisdiction to review the order passed in revision case and the notice issued in the present matter under order dated 01.08.1994, Annexure-1 is wholly without jurisdiction.

4. After filing of the writ case on 08.09.1994 notice was issued to the petitioners of Revision Case No. 1265/86 under order dated 14.02.1995 with direction that in the meantime further proceedings in the court below shall remain stayed. The writ case was admitted for hearing under order dated 21.09.1995 when again notices were issued on the revision petitioners i.e. respondent nos. 3 to 6.

5. None has appeared to contest the prayer made in the writ petition, although the matter has remained pending for more than 20 years.

6. Counsel for the State has appeared and states that Director, Consolidation while exercising revisional jurisdiction under Section 35 of the Act has no jurisdiction to review his order. If the revision petitioners were aggrieved by the order dated 27.06.1994 it was open for them to have assailed the said order before this Court by

filing a writ petition.

7. Having heard counsel for the petitioners and the State, I dispose of the writ petition directing the petitioners, opposite parties in Revision Case No. 1265/86 to appear before the Director, Consolidation and to submit before him that he does not have any power to review the order dated 27.06.1994, passed in Revision Case No. 1265/86 and the Director, Consolidation shall be obliged to first decide the said submission and then to proceed with the merit of the revision case.

(V.N. Sinha, J.)

Rajesh/-

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