

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2871 of 1994

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1. Chandradeep Bhagat, Son of Lagan Bhagat.
2. Smt. Ram Biraji Devi @ Birajai Devi, Wife of Lagan Bhagat.
Both resident of Village-Khilwat, P.O. & P.S.-Bidupur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director Consolidation, Bihar, Patna.
3. The Joint Director, Consolidation, Muzaffarpur.
4. Usha Devi, Wife of Thakur Girja Nandan Singh.
5. Ramjan Singh, Son of Thakur Girja Nandan Singh.
6. Girja Nandan Singh, Son of Jamuna Yamuna Yadav.

No. 4 to 6 are resident of Village-Khilwat, P.O. & P.S.-Bidupur, District-Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the State : Mr. Rajiv Kumar Singh, Adv. (G.P.-2)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 30-06-2015

No one appears on behalf of the petitioners. Learned counsel appearing on behalf of the State-respondents is present.

2. The petitioners have sought for quashing of an order dated 16.11.1993, passed by the Joint Director,

Consolidation, Muzaffarpur, in Revision Case No. 583 of 1992, whereby, the Joint Director, Consolidation has directed for necessary correction, with respect to the lands, which were purchased in the names of these petitioners.

3. At the outset, it is the contention of the petitioners, as mentioned in the present writ application, that though the lands in dispute belonged to them, they were not impleaded as parties before the Joint Director, Consolidation, in Revision Case No. 583 of 1992. From the impugned order of the Joint Director, Consolidation, Muzaffarpur, it appears that father of petitioner no. 1 and husband of petitioner no. 2, Lagan Mahto, was impleaded as opposite party no. 1 and in the said proceeding before the Joint Director, Consolidation, he had taken the plea of non-joinder of necessary parties, inasmuch as, his son, Chandradeep Bhagat and wife, Ram Biraji Devi, in whose names the lands in dispute stood, were not impleaded as parties.

4. Despite service of notice, the respondents have not filed any counter affidavit.

5. It is evident from the order of the Joint Director, Consolidation, Muzaffarpur, dated 16.11.1993, that these petitioners were not impleaded as parties to the proceedings

before him and the said order of the Joint Director, Consolidation, adversely affecting the rights of these petitioners.

6. The impugned order dated 16.11.1993, passed by the Joint Director, Consolidation, Muzaffarpur, is, therefore, quashed. The matter is remitted back to the Director, Consolidation, Bihar, Patna, for consideration of the dispute afresh after giving the petitioners due notice and opportunity of hearing. This Court expects that the Director, Consolidation shall expedite disposal of the matter, on remand.

7. This application is, accordingly, allowed.

8. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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