

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4285 of 1994

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1 Rang Bahadur Singh 2 Man Bahadur Singh, sons of Paras Nath Singh, residents of Village – Gordihan, PS – Sahar, District - Bhojpur	 Petitioner/s
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Versus

1 The State of Bihar 2 The Principal, Consolidation Training Institute, Patna 3 The Assistant Director of Consolidation, Bhojpur at Ara 4 The Consolidation Officer, Sahar, District – Bhojpur 5 Prithivi Nath Singh 6 Bhuneshwar Singh, sons of Brahmadeo Singh 7 Tapeswar Singh, son of Sukhnandan Singh 8 Sarvadeo Singh, son of Sukhnandan Singh 9 Chandradeo Singh, son of Ram Lakhan Singh 10 Krishna Nand Singh, son of Kapildeo Singh 11 Sachhida Nand Singh, son of Kapildeo Singh 12 Sarvanand Singh, son of Kapildeo Singh, residents of Village – Gordihan, PS – Sahar, District - Bhojpur	 Respondent/s
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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 01-04-2015

Heard the learned counsel for the petitioners and the State.

2 Notices were issued to private respondents No 5 to 12 but they have chosen not to appear.

3 By this application, the petitioners challenge the order dated 09.02.1994 passed by the Principal, Consolidation Training Institute, Patna in Revision Case No 2028 of 1988 (Annexure 3) whereby the learned Principal has set aside the order dated 18.07.1986 passed by the Assistant Director (Consolidation), Bhojpur at Ara in Appeal No 11 of 1986-1987 as also the order dated 05.11.1977 passed by the Consolidation Officer, Sahar in Case No 21 of 1977-1978. It is



submitted that in course of consolidation proceedings, certain lands were allotted to the petitioners. It was found that the petitioners were wrongly allotted certain lands which had been sold much prior to the consolidation proceedings. Accordingly, applications were made and the Consolidation Officer, Sahar passed the order on 05.11.1977. Pursuant to the said order, chaks were not remade and, accordingly, the petitioners moved the Assistant Director of Consolidation, Bhojpur in Appeal No 11 of 1986-1987 for a direction to the Consolidation Officer to implement his order dated 05.11.1977. The Assistant Director of Consolidation issued the said order on 18.07.1986 against which the respondents preferred revision in which the impugned order has been passed on 09.02.1994 whereby not only the order of the Assistant Director has been set aside but the order passed by the Consolidation Officer about two decades back had also been set aside.

4 Learned counsel for the petitioners points out that so far as order of Assistant Director is concerned, he had not passed any order afresh. All he had passed was he ordered the Consolidation Officer to implement his own order passed as far back as in the year, 1977. This order of the year, 1977 passed by the Consolidation Officer had never been challenged earlier. It was being challenged for the first time after ten years.

5 Having considered the matter, in my view, the writ petition must succeed. So far as Assistant Director's order is concerned, there is no fresh order. All that he has said is that he has directed implementation of the order of the Consolidation Officer. So far as the order of Consolidation Officer is concerned, that having not been challenged in appeal and that not being the subject matter of appeal, the revisional power and that too after such a long period, ought not to have been exercised.

6 In that view of the matter, the order impugned passed by the Principal, Consolidation Training Institute, Patna being order dated 09.02.1994 passed in Revision Case No 2028 of 1988 is set aside and the writ petition is allowed.

(Navaniti Prasad Singh, J)

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