

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6075 of 1995**

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Obaidur Rahman, son of Sri Majibur Rahman, resident of village –  
Birar, P.S. – Nanpur, District – Sitamarhi.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna.
3. Sri Ram Dubey, The Deputy Director of Consolidation, Sitamarhi.
4. The Consolidation Officer, Bajpatti, District – Sitamarhi.
5. Sami Ahmad, son of Sri Jamil Ahmad
6. Raj Ahmad, son of Sri Jamil Ahmad.

Both resident of village – Goradh, P.S. Bajpatti, District – Sitamarhi.

.... .... Respondents

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**  
**ORAL JUDGMENT**

**Date: 14-05-2015**

The petitioner claimed to be in possession of land but when the consolidation proceedings started, he found that the lands were entered in the name of respondent nos. 5 & 6. He immediately filed an application for correction of records. Notices were issued, inquiries and spot inspection were made. Pursuant thereto, the Consolidation Officer allowed his application and the records were accordingly amended in respect of 30 decimals of land. Being aggrieved by this, respondent nos. 5 & 6 filed an appeal. While appellate proceedings were pending, the parties compromised and the appellate proceedings stood disposed of on the basis of compromise in 1976. There was no dispute thereafter. All of a



sudden in the year 1992, petitioner received appeal notice from which it transpired that as against compromise order of the appellate authority in the year 1976 the present appeal was being filed in the year 1992 after 16 years. The Appellate Authority entertained the appeal which was challenged by the petitioner in this court by filing a writ petition. The writ petition was dismissed as withdrawn on the ground that appeal was pending. All the issues may be raised before the appellate court. In the meantime, allegedly back dating the order, the appeal was allowed. It is against this that the present writ petition has been filed.

**2.** Heard learned counsel for the petitioner and learned counsel for the State. No one appears for the private contesting respondents though they have been duly served with notice.

**3.** The short point raised in support of the writ petition is that once the appellate proceedings ended in the year 1976 against order of the year 1974 passed by the Consolidation Authority, appeal in the year 1992 against the 1974 order was not maintainable especially when the earlier appeal was disposed of upon compromise. Merely stating that the parties were not noticed is not sufficient. If the private

respondents were removed as far back as in the year 1974, the whole consolidation proceedings proceeded thereof.

4. Considering the petitioner to be recorded as Raiyat of the lands in question and no objection was raised, raising an objection 16 years later and finally the appeal is of no value. The appeal ought to have been dismissed and not having been so done, this Court dismisses the appeal, set aside the appellate order passed in the year 1992, and allow the writ petition.

**(Navaniti Prasad Singh, J.)**

Rajeev/-

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