

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8429 of 1995

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(a) Kaleshwari Devi, wife of Late Shri Paswan

(b) (i) Arjun Paswan

(b)(ii) Sarjan Paswan

Both are sons of Late Shri Paswan, resident of village – Sakrauli, P.S. + Anchal – Patepur, P.O. – Kumar Bajitpur, District – Vaishali.

(C) (i) Meena Devi, daughter of Late Shri Paswan, wife of Ram Ekbal Paswan, resident of at and P.O. – Abdilpur, P.S. – Mahua, District – Vaishali.

(C) (ii) Minter Devi, wife of Harendra Paswan, daughter of Late Shri Paswan, resident of village – Khajanpur, P.S. – Patepur, District – Vaishali.

(C) (iii) Chinta Devi, wife of Pargas Paswan, daughter of Late Shri Paswan, resident of village - Bishrampur, Banda, P.O. – Banda, P.S. and District – Samastipur.

(C)(iv) Sabitri Devi, wife of Mahesh Paswan, daughter of Late Shri Paswan, resident of village and P.O. – Raduli, P.S. and District – Samastipur.

.... Petitioners

Versus

1. The State of Bihar
2. The Joint Director Consolidation, Muzaffarpur.
3. The Deputy Director Consolidation, Vaishali at Hazipur
4. The Consolidation Officer, Mahnar, P.S. – Mahnar, in the district of Vaishali.
5. The Consolidation Officer, Patepur, P.S. – Patepur, in the district of Vaishali.
6. Murari Paswan, son of Muneshwar Paswan.
- 7(i) Mintu Devi wife of Late Ramchandrar Paswan.
- 7(ii) Rajesh Paswan, son of Late Ramchandrar Paswan.
8. Kishun Paswan, son of Muneshwar Paswan.
- 9(i) Parishan Paswan
- 9(ii) Jai Narain Paswan
- 9(iii) Shialar Paswan
- 9(iv) Raja Paswan
- 9(v) Rejhar Paswan

All sons of Late Palat Paswan, resident of village Sakarauli, P.S. – Patepur, P.O. Kumar Bajitpur, District – Vaishali.

9(vi) Minta Devi, daughter of Late Palat Paswan and wife of Raghunandan Paswan, village – Chaksia Milkey, P.O. Harpur, District – Vaishali.

9(vii) Chinta Devi, daughter of Late Palat Paswan and wife of Dhaneshwar Paswan, resident of village and P.O. Desua, Patali, District – Samastipur.

10. Shri Krishna Narain Mishra, son of Satya Narain Mishra, C/o – Jain Narain Kumar, resident of village and P.O. Kumar Bajitpur, P.S. and Anchal Patepur, in the district of Vaishali.

.... Respondents

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Appearance :

For the Petitioners : Mr. Suresh Chandra Pd.Sinha, Advocate
Mr. Manojeshwar Pd. Sinha, Advocate
Mr. Ratan Kumar Sinha
Mr. Rajendar Kishor Prasad, Advocate
Mr. Madhukar Pandey, Advocate
For the Respondent: Mr. Rajiv Kumar Singh, G.P. 2
Mr. Indrajeet Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 02-07-2015

The petitioners are aggrieved by the order passed in Revision Case No. 3471/1988 being order dated 25.08.1995 by the Joint Director Consolidation, Muzaffarpur under Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter referred to as the 'Act').

2. The short issue raised on behalf of the petitioners is that the Joint Director has set aside the well considered order of the Consolidation Officer and that of the Appellate Court by a few lines order merely stating that on behalf of the petitioner no paper has been filed, whereas on behalf of the private respondents, sale deeds, which were, in fact, challenged, have been filed and therefore Revision Application is allowed and the orders of the authorities below is set aside. To say the least, the apology of the order, the

important rights of the parties cannot be decided in such a summary fashion.

3. On this issue, I set aside the order of the Revisional Authority and remand the matter to the Director, Consolidation for fresh consideration after notice to all the parties concerned.

4. The writ application is, accordingly, disposed of.

(Navaniti Prasad Singh, J.)

Rajeev/N.A.F.R.

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