

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4793 of 1995

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1 Babunandan Ram, son of Ram Das Harijan 2 Sudama Ram, son of Sukhnandan Ram @ Sarupan Ram, residents of Village – Lakhandahi, PS – Bhagwanpur, District – Kaimoor (Bihar)	 Petitioner/s
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Versus

1 The State of Bihar 2 Dy Director (Headquarters), Consolidation, Bihar, Patna 3 Assistant Director of Consolidation, Rohtas at Sasaram 4 Consolidation Officer, Bhagwanpur, Bhabua (Kaimur) 5 Sukhdeo Ram, son of late Somaru Ram 6 Basgeet Ram, son of late Lagah Chamar, residents of village – Lakhandahi, PS – Bhagwanpur, District - Kaimoor	 Respondent/s
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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 14-05-2015

The petitioners are aggrieved by the order of the Consolidation Officer and that of the revisional authority by which separate khatas have been ordered to be opened in favour of respondents No 5 and 6. Learned counsel for the petitioners submits that consolidation proceedings having been concluded and parties having been allotted their lands, it was now not open to the Consolidation Officer to reopen the matters and, as such, the order of the Consolidation Officer and the revisional authority that is Director, Consolidation under Section 35 of Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (for brevity, the Act) cannot be sustained.

2 On the other hand, learned counsel for respondents No 5

and 6 submits that merely because consolidation proceedings are over is no bar to exercise of powers under Section 35 of the Act by the Director, Consolidation.

3 I have considered the matter. The submission of learned counsel for respondents No 5 and 6 cannot be accepted. The reason is that during pendency of the consolidation proceedings, Section 10-A of the Act and such other provisions are no bar to the power and authority exercised by the Director, Consolidation under Section 35 of the Act which is a supervisory power but once the proceedings are over then if the party disputes any possession, it is open for him to move the Civil Court because the power is to rectify consolidation records and once the records have been finalized, people give their possession then any further change can only be done by the Civil Court.

4 Thus, the orders of the Consolidation Officer and the Director, Consolidation in revision cannot be sustained. The same are set aside. The writ application is allowed.

(Navaniti Prasad Singh, J)

M.E.H./-

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