

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9673 of 1993

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1. Sihal Chaudhary , son of Ram Awatar Choudhary
 2. Tokhichand Chaudhary, son of late Jadu Chaudhary
 3. Rajendra Chaudhary, son of Rajbvansi Chaudhary
 4. Sudarshan Chaudhary, son of Rajbansi Chaudhary
 5. Motilal Chaudhary
 6. Hiralal Chaudhary,
 7. Kailash Chaudhary
 8. Phulena Chaudhary, all sons of Surya Balli Chaudhary, All are the residents of village Nimueya, P.S. Kateya, District Gopalganj
- Petitioner/s

Versus

1. The State of Bihar
2. The Joint Director, Consolidation, Muzaffarpur
3. The Deputy Director, Consolidation, Siwan,
4. The Consolidation Officer, Kateya, Circle, District, Gopalganj
5. Babulal Singh, son of late Sita Ram Singh
6. Ramdhani Singh, son of Bhimal Singh
7. Ganga Singh, both sons of Bhimal Singh
8. Rajdeo Singh
9. Harilal Singh, both sons of Sheo Ratan Singh
10. Jiut Singh
11. Munilal Singh
12. Sukhram Singh, all sons of Din Dayal Singh, All residents of village Nimueya, P.s. Kateya, District Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
With Mr. V. R. Bharti

For the Respondent/s : Mr. Binod Kumar Singh,
For the State Mrs. Sunita Kumari, AC to G.P.27

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 09-07-2015

1. This is an application seeking quashing of an order dated 22.03.1993 passed by the Joint Director, Consolidation,

Muzaffarpur in Revision Case No. 119 of 1991 (Annexure-4).

2. The sole ground on which the petitioners intend to challenge the order passed by the Joint Director, Consolidation, Muzaffarpur is that the petitioners were not given any notice and without ascertaining whether the notices were in fact served upon them, he passed the order setting aside the order of the Deputy Director, Consolidation which was in their favour.

3. Statement to this effect has been made in paragraph 20 of the writ application which is extracted hereinbelow:-

“20. That it is further submitted that the learned Jointed Director, Consolidation, has committed serious error in not giving proper opportunity to the petitioners of being heard in the matter and has passed the impugned order without verifying the service of notices on the present petitioners in the case. The order passed by the learned Joint Director, Consolidation is wholly without jurisdiction and being violative of principles of natural justice, is fit to be quashed by this Hon’ble Court on this ground alone. As decided by the Hon’ble Courts, it is settled principle of law that any order passed by any authority in violation of principle of natural justice will not sustain in the eye of law.”

4. There is no counter statement controverting the statement made in paragraph 20 of the writ application.

5. I find substance in submission made on behalf of the petitioners that they were not given due opportunity of being heard before the revisional Court i.e. Court of Joint Director, Consolidation, Muzaffarpur, before he passed the impugned order dated 22.03.1993 adverse to their interest.

6. The order dated 22.3.1993 passed in Revision Case No. 119 of 1991 by the Joint Director, Consolidation, Muzffarpur stands therefore, quashed having been passed in violation of principles of natural justice. The matter is remitted back to the Joint Director Consolidation, Muzaffarpur for passing a decision afresh.

7. Learned counsel appearing on behalf of the private respondents has informed that some of the parties had died during the pendency of this writ application. The revisional Court will be required to look into this aspect, while finally disposing of the revision case.

8. It is made clear that I have not gone into the merits of the case as regards competing title of the parties over the property in dispute and the order of the Joint Director, Consolidation, Muzaffarpur is being quashed on a technical

ground of having been passed in violation of principles of natural justice.

9. The writ application is allowed accordingly.

10. There shall, however, be no order as to costs.

(Chakradhari Sharan Singh, J)

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