

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1820 of 1995

=====

Bachan Sahni, son of Late Sarnagat Sahni, resident of Village- Gaursara, P.O.-
Aima Bishunpur, P.S. Kajra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Joint Director Consolidation, Muzaffarpur.
3. The Deputy Director Consolidation, Muzaffarpur.
4. The Consolidation Officer, Kanti, Muzaffarpur.
5. Dhorhai Rai son of Saguni Rai
6. Shital Singh, son of Raghunand Singh.
7. Bind Singh, son of Ram Prasad.
8. (i) Darogi Sahni
8. (ii) Anandi Sahni
- 8 (iii) Jalandhar Sahni
8. (iv) Ram Janam Sahni
- 8 (v) Parbtia Devi
9. Mostt. Nagia wife of Ganga Sahni (deceased)
10. Shivaji Sahni, son of Ganga Sahni (deceased)
11. Shanti Devi
12. Mahpatia Devi
13. Kishunpati Devi, daughters of Ganga Prasad (deceased)
All residents of Village- Gaursara, P.O.- Aima Bishunpur, P.S. Kajra,
District- Muzaffarpur.
14. Jagarnath Singh, son of Ramashish Singh
15. Mostt. Tetri Devi, wife of Late Sujhawan Sahni,
resident of Village- Gaursara, P.O.- Aima Bishunpur, P.S. Kajra, District-
Muzaffarpur
16. Phulia Devi, wife of Mahindra Sahni, resident of village- Chainpur, P.O.
Pratap, District- Muzaffarpur.
17. Banarasi Devi, wife of Jugal Sahni, resident of Village & P.O.- Aima
Bishunpur, District- Muzaffarpur.
18. Piyari Devi wife of Mahundar Sahun, resident of Village- Dadar, P.O.- Bairiya,
District- Muzaffarpur.
(serial nos. 16, 17 and 18 all daughters of late Sujhawan Sahni)
19. Hari Kisan Sahni
20. Pujan Sahni
21. Lalan Sahni, sons of Late Ram Raj Sahni,
All residents of Village- Gaursara, P.O.- Aima Bishunpur, P.S. Kajra, District-
Muzaffarpur.
22. Sonma Devi, daughter of Late Ram Raj Sahni, wife of Dahaur Sahni, resident
of Village- Ismaila, P.O.- Harsar (via Minapur) district- Motihari.

.... Respondents

=====

Appearance :

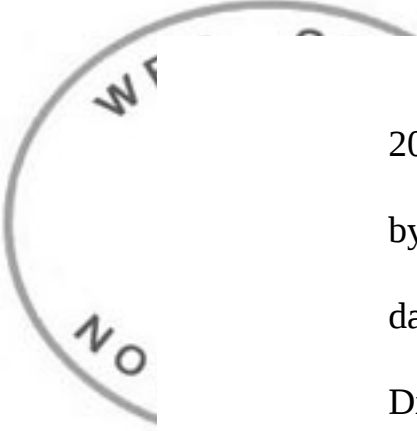
For the Petitioner/s : Mr. Amar Nath Mishra, Advocate
Mr. Sahja Nand Sharma, Advocate

For the Respondent/s : Mr. AC to G.P.-10

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP

SINGH
ORAL JUDGMENT
Date: 16-04-2015



The petitioner prays for setting aside the order dated 20.08.1994, passed in Consolidation Revision Case No. 247 of 1988, by the Joint Director, Consolidation, Muzaffarpur affirming the order dated 19.10.1987, passed in Appeal Case No. 3 of 1987 by Deputy Director, Consolidation. The petitioner also prays for setting aside the order dated 04.05.1987 passed by the Consolidation Officer, Kanti in Objection Case No. 1 of 1986.

According to the petitioner, the dispute involved C.S. Plot nos. 883, 924, 960, 946, 965, 931, 922, 866, 646, 838 and 874 corresponding to revisional Survey Plot nos. 1887, 1777, 1888, 1893, 1959, 1550, 1776, 1445, 1447, 1556, 1844 and 1557 situated in Village- Gaursara under Kanti Anchal, District Muzaffarpur.

The case of the petitioner is that C.S. entries were made in the names of Anurag Mala, Kishun Mala and Chhedi Mala, who were ancestors of the petitioner. The family of the petitioner all along has been coming in peaceful possession of the land. The petitioner submits that he has been mostly residing outside to niche living for his family. The private respondent taking advantage of his absence, got their names entered in the revisional survey. He filed Objections under Section 10(2) of Consolidation Act being Objection case Nos.

633 of 1982, 632 of 1984, 644 of 1982, 635 of 1982, 631 of 1982, 642 of 1982, 637 of 1982 and 640 of 1982. The objections were allowed vide order dated 14.12.1982, however, in appeal, the order passed by the Consolidation Officer was set aside. The revision filed by the petitioner too was dismissed.

The case of the petitioner in short is that the issue involved is complicated questions of fact, which could not have been dealt in a summary manner in Consolidation proceedings as such. It is further the case of the petitioner is that he is in possession of the land in question.

Having regard to the facts and circumstances of the case, this writ application is disposed of with liberty to the petitioner to raise his grievance in an appropriate suit filed before the court of competent civil jurisdiction. The order passed by the Director, Consolidation would be subject to the result of the Civil Suit.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--