

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1178 of 1997

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1. Bindeshwari Rai Son of Late Jagdaun Rai
2. Dineshwar Rai, Son of Late Jagdaun Rai
Both residents of Village- Subhai, Police Station- Hajipur, District-
Vaishali. Petitioners

Versus

1. The State of Bihar
2. Director, Consolidation, Bihar, Patna.
3. Joint Director, Consolidation at Muzaffarpur.
4. Deputy Director, Consolidation, Vaishali.
5. Consolidation Officer, Katra..... Respondents 1st set.
6. Nagina Rai, Son of Dal Singar Rai, resident of Village- Mazieawad,
P.S.- Hajipur Sadar, District- Vaishali. Respondent 2nd Set.
7. Nand Kishore Tiwary, Son of Singeshwar Tiwary, resident of Village-
Bishanpur, P.S.- Hajipur, District- Vaishali.
.... Respondent 3rd Set.

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr Bimal Kumar
Mr. Nilesh Kumar
Mr. Md. Imteyaz Ahmad
For the Respondent/s : Mr. (Gp2)
Mr. Ramesh Kumar Choudhary

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

14 19-05-2015 The petitioner prays for quashing the order dated
26.12.1996, passed by the Joint Director, Consolidation,
Muzaffarpur in Revision Case No. 112 of 1996 affirming the order
dated 09.04.1996 passed by the Deputy Director, Consolidation in
Case No. 2381 of 1986.

2. The land in dispute is situated in Revenue Thana
No. 96 within Hajipur Anchal in the district of Vaishali bearing
Survey Khesra No. 269, area 8 decimals. The total area of Khesra
No. 269 is 16 decimals, 8 decimals of the aforesaid Khesra no. 269



was purchased through registered sale deed by the petitioners, the other 8 decimals of land was purchased by respondent no.6 in the name of his wife, namely, Kamli Devi. It appears that Kamli Devi gifted her share to others including respondent no.7. Thereafter the respondents started making claim on 8 decimals of land of Khesra No. 269 purchased by the petitioners on 01.03.1967, through registered sale deed. The petitioners succeeded before the Consolidation Officer, Hajipur. However, the respondents succeeded before the Deputy Director, Vaishali and the Joint Director, Consolidation.

3. The petitioners submit that both the appellate authority as well as the revisional authority did not consider a number of documents, namely, sale deed dated 01.03.1967 made in favour of the petitioners with respect to 8 decimals of land, another sale deed of 8 decimals made in favour of respondent no.6, in which the petitioners are shown as the boundary raiyat of old khatian, registered sale deed dated 20.08.1898, photo copy of the Mutation register, revenue records, inspection report dated 16.03.1996 of Assistant Consolidation Officer, Head Quarter, Hajipur.

4. I find that the petitioners have made out prima facie case for interfering with the order of the Deputy Director as

well as the Joint Director, Consolidation.

5. In the result, this writ application is allowed. The order dated 09.04.1996 passed in Case No. 2381 of 1986 by the Deputy Director, Consolidation and order dated 26.12.1996, passed in Revision Case No. 112 of 1996 by the Joint Director, Consolidation, Muzaffarpur, are set aside and the matter is remitted to the Deputy Director, Consolidation, Vaishali under Section 35 of the Act for fresh adjudication in accordance with law.

(Samarendra Pratap Singh, J.)

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