

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7445 of 1996

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RAM NATH OJHA, SON OF DUDHESHWAR OJHA, RESIDENT OF VILLAGE
DHAWERY, POLICE STATION BEHIA, BOHJPUR Petitioner

Versus

1. THE DEPUTY DIRECTOR, CONSOLIDATION, HEADQUARTERS, BIHAR,
PATNA
 2. THE DEPUTY DIRECTOR OF CONSOLIDATION, ARRAH, BHOJPUR
 3. THE CONSOLIDATION OFFICER, SHAHPUR, DISTRICT BHOJPUR
 - 4(a). MOSTT. KAUSHLYA WIFE OF LATE PANCHANAND TRIPATHI, RESIDENT
OF VILLAGE DHOURI, POLICE STATION BEHIYA, BHOJPUR
 - 4(b) SONAPATI TRIPATHI S/O PANCHANAND TRIPATHI
 - 4(c) SHYAM SUNDAR DEVI DAUGHTER OF LATE PANCHANAND TRIPATHI
 - 5 BRIJ KUMAR OJHA SON OF LATE HARIBANSH OJHA, RESIDENT OF
VILLAGE RAMSOUR, POLICE STATION BEHIYA, DISTRICT BHOJPUR
 6. BABAN PATHAK SON OF MAHENDRA PATHAK, RESIDENT OF VILLAGE
AND POST OFFICE DAWAN, POLICE STATION BEHIYA, DISTRICT
BHOJPUR Respondents
- =====

Appearance :

For the Petitioner : Mr. K.N.Choubey, Senior advocate
For the Respondents : Mr. Rajiv Kr.Singh, GP 2

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

12 23-04-2015 In spite of valid service of notice no one appears for the
respondents.

The petitioner is aggrieved by order dated 26.12.1995
contained in Annexure 3 passed by the Deputy Director,
consolidation, Head quarters, Bihar (respondent no.1) erred in
coming to the conclusion that the petitioner had not challenged
the order dated 18.3.1981, passed in Case no. 64 of 1980-81.

Learned counsel submits that the petitioner in fact
challenged said order which was allowed vide order dated
12.6.1984, passed in Revision Case No. 1916 of 1981. It is
further submitted that on remand, the matter has been decided in

favour of the petitioner vide order dated 12.11.1986 passed in Misc. Case no. 2/84-85. Thereafter, respondents filed Revision Case no. 1893 of 1987 before respondent no.1 challenging order dated 12.11.1986. While allowing the revision case on 26.12.1995, respondent no.1 held that order dated 18.3.1981, passed in Case no. 64 of 80-81 was ex parte and the matter was remitted back for passing fresh order after hearing the parties concerned.

I find that respondent no.1 has wrongly come to the finding that petitioner has not challenged order dated 18.3.1981, passed by the Consolidation officer which was an ex parte order.

The writ petition is allowed and the impugned order passed in Revision Case no. 1893 of 1987 is set aside and the matter is remitted back to the authorities for passing fresh order in accordance with law.

(Samarendra Pratap Singh, J)

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