

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1089 of 1996

Ramudagar Singh, S/O Late Ram Pragash Singh, resident of village – Chandsarai,
Police Jandaha, District – Vaishali

.... Petitioner/s

Versus

1. State of Bihar
2. The Director, Consolidation, Bihar, Patna
3. The Joint Director, Consolidation, Muzaffarpur
4. The Deputy Director, Consolidation, Vaishali, Hazipur
5. The Consolidation Officer, Jandaha, Vaishali,
6. Most. Palati Devi, wife of Late Ramhit Singh, resident of village and P.O. –
Chandsarai, P.S. – Jandah, District – Vaishali
7. Siaram Singh, S/O Gopi Singh of village and P.O. – Shivrs. Police Station
Patori, District – Samastipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. BINDHYACHAL SINGH
For the Respondent/s : Mr. (GP2)
Mr. Rajiv Ranjan

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 09-04-2015

09.04.2015

Heard learned counsel for the parties.

There are two primary submissions, which have been made by the learned counsel for the petitioner while assailing Annexure-4, which is an order of Joint Director, Consolidation, Muzaffarpur in Revision Case No. 338 of 1990. First submission was that the Consolidation Officer's order was passed in violation of

the principles of natural justice. The second submission is that the revisional court has taken evidence and decided the matter afresh, which power he did not have.

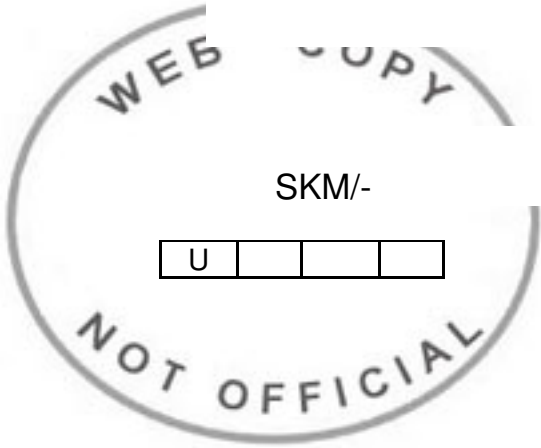
The proposition, so urged, is not established from the fact that the order of the Consolidation Officer clearly indicates the word "Tamila Prapt" against the order of the Consolidation Officer. The petitioner filed an appeal and succeeded. The revision was preferred by the private-respondent and the revisional court has gone into the materials, which were already made available and dealt with the case with regard to the relationship of the various parties at dispute and the right of the revisionist.

The proposition of law, therefore, does not emerge because a reading of the order does not indicate that any new evidence has been taken by the revisional authority. It has only appreciated the evidence, which has already on record and whose non-consideration led to passing of an erroneous order by the appellate authority.

In view of the same, the writ application is dismissed. No interference is warranted with the impugned order. If the consolidation proceedings have ended in the area, the parties can still approach the civil



court of competent jurisdiction for appropriate
declaration.



(Ajay Kumar Tripathi, J.)