

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11410 of 1995

Siddh Nath Prasad, son of Guru Prasad Sao, resident of village- Kehera, P.S.
Makhdumpur, District-Jehanabad.

.... Petitioner/s

Versus

1. State of Bihar
 2. The Joint Director, Consolidation, Gaya
 3. The Deputy Director of Consolidation, Gaya.
 4. The Consolidation Officer, Makhdumpur, District-Jehanabad
 5. Baijnath Sao, son of Karu Sao
 6. Ramchandra Sao, son of Karu Sao
 7. Payarchand Sao, son of Karu Sao
 8. Rajendra Sao, son of Karu Sao
- Residents of village-Sohjama, P.S. Makhdumpur, District-Jehanabad.

.... Respondents

Appearance :

For the Petitioner : Mr. Ram Hriday Prasad
For Respondent Nos.6 to 8: Mr. Bhubneshwar Prasad
For the State : Mr.Syed Arshad Alam, S.C.3
Mrs. Anjum Praveen, A.C. to S.C.3

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 07-05-2015

While dismissing the substitution petition filed on 27.8.1997 by order dated 10.9.1997, this Court observed that from the revisional order it appears that Baijnath Sao was not a party there and it is not understandable why he was made a party respondent in this writ petition.

Learned counsel for the petitioner is not in a position to explain why Baijnath Sao was made respondent No.5 in this writ petition and accordingly, it was directed that the consequences of respondent No.5 having been impleaded in this case as party

respondent though apparently he was not a party before the revisional court will be considered at the time of hearing of this case.

From the impugned revisional order, it appears that it was passed in Revision Case No.508 of 1989 by the Joint Director, Consolidation, Gaya on 19.9.1990.

From the array of parties in the said order, it is evident that the respondent No.1 was Ram Saral Sao, son of Late Baijnath Sao and respondent No.2 was unknown, widow of Late Baijnath Sao. The other three respondents are respondent Nos. 6, 7 and 8.

In the substitution petition filed on 27.8.1997, it is stated that the respondent No.5, Baijnath Sao, died in 1992 leaving behind two daughters, Janki Devi aged about 45 years, Sarswati Devi, aged about 30 years and one son Sakal Sao aged about 40 years and further that the wife of Baijnath Sao died earlier. The aforesaid statements have been made in a most cavalier fashion and appear to be clear false statements. In view of the array of party before the Joint Director in the revision case filed in the year 1989, one son Ram Saral Sao and the widow of Baijnath Sao have already made parties and thus the statement that Baijnath Sao died in the year 1992 is clearly a false statement. Moreover, the statement that the wife of Baijnath Sao also died earlier is also another false statement, as she had been made a party in the revision application. Nothing has been stated in the

substitution petition regarding the said Ram Saral Sao.

In the aforesaid facts and circumstances, this Court is of the view that the petitioner has not approached this Court with clean hands and thus he is not entitled to the benefit of discretionary remedy under Article 226 of the Constitution of India.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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