

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6426 of 1995

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Shyam Narain Tiwari, son of late Ram Prasad Tiwari, resident of Village – Dumara,
Po – Barki Mahauli, PS – Karahgar, District - Rohtas

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Consolidation Officer, Karahgar, Rohtas
- 3 Joint Director of Consolidation, Bihar, Patna
- 4 Uma Kant Tiwari, son of late Kailash Tiwari
- 5 Bateshwar Tiwary
- 6 Bhutti Tiwary, sons of late Ramashre Tiwari
- 7 Daya Nidhi Tiwari
- 8 Baban Tiwari, sons of late Ram Sagar Tiwari
- 9 Ram Prit Singh
- 10 Ram Dhayan Singh, sons of late Ram Dahin Singh, residents of Village –
Dumara, PS – Karahgar, Po – Barki Mahauli, District - Rohtas

.... Respondent/s

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For the Petitioner/s : N O N E

For Respondents 9 & 10 : Mr Santosh Kumar, Advocate

For the S t a t e : Mr Narendra Kumar Singh, AC to GP II

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 21-05-2015

Upon call, no one appears for the petitioner or the private respondents except contesting respondents No 9 and 10. State Counsel is present.

2 The case of the writ petitioner is that the land in question is ancestral land of the family. The genealogy is given at page 5 of the writ petition showing that respondents No 5, 6, 7 and 8 are descendants from Murat Tiwari whereas petitioner is descendant from Chandrika Tiwari. Murat Tiwari and Chandrika Tiwari were

brothers being sons of Dipa Tiwari. Petitioner's case is that certain lands are in dispute appertaining to revisional survey plot No 1088, RS khata No 142 admeasuring 3 decimals at Mauza - Dumara, PS – Karahgar, District – Rohtas. Petitioner admits that at the time of revisional survey, petitioner's possession of that land was shown as illegal and the land was shown to be that of respondents No 5 and 6. This was never contested by the petitioner. When the consolidation proceedings started, for the first time, an application was made by the petitioner claiming correction of the entries which was rejected and ultimately, by the impugned order, the Joint Director (Consolidation), by Annexure 5, has also rejected the claim for correction of records.

3 Having considered the matter, it is purely a question of title to the land and, therefore, it would be open to the petitioner to agitate this question before a competent Civil Court when consolidation proceedings stand concluded but surely the order of the Joint Director (Consolidation), for the time being, cannot be said to be illegal in any manner requiring interference.

4 This application is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

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