

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6386 of 1994

Paras Nath Tiwary, son of Ramayan Tiwary, resident of Village- Sirisiya, Police Station & Post Office- Kargahar, District- Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. Joint Director, Consolidation (Headquarters), Bihar, Patna.
3. Deputy Director, Consolidation, Rohtas at Sasaram.
4. Consolidation Officer, Kargahar, District- Rohtas.
5. Ramji Sah, son of late Jai Ram Sah, resident of Village & Post Office- Dibhiyan, Police Station- Kargahar, District- Rohtas.
- 6(a). Ramjee Singh, son of Kesho Choudhary, resident of Village- Sirisiya, Police Station and Post Office- Kargahar, District- Rohtas.
- 6(b). Nagendra Singh, son of Kesho Choudhary, resident of Village- Sirisiya, Police Station and Post Office- Kargahar, District- Rohtas.
7. Bahadur Singh, son of Suba Choudhary, resident of Village- Sirisiya, Police Station and Post Office- Kargahar, District- Rohtas
8. Dhamari Sah, son of Jai Ram Sah, resident of Village and Post Office- Dibhiyan, Police Station- Kargahar, District- Rohtas.

.... Respondents

Appearance :

For the Petitioner : Mr.

For the Respondents : Mr.

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 10-04-2015

Heard learned counsel for the petitioner and Sri Mahesh Prasad No. 2, Mr. Akshaywat Singh for Respondent Nos. 7, 8. Smt. Nivedita Nirvikar is appearing on behalf of the State.

2. By filing this writ petition petitioner has assailed order dated 16.05.1994 passed by Joint Director, Consolidation (Headquarter), Patna, in Revision Case No. 1783 of 1989, whereunder he allowed the said Revision case placing reliance on the

final order passed in Revision Case No. 1877 of 1989. Final order in Revision Case No. 1877 of 1989 was passed on 20.05.1994, is contained in Annexure-4 to this application. The impugned order was passed on 16.05.1994, four days prior to the final order passed in Revision Case No. 1877 of 1989 on 20.05.1994, as such, said order was not in existence on 16.05.1994.

3. Accordingly, the Joint Director could not have referred to the said order in his order dated 16.05.1994. It is, thus, evident that placing reliance on a non-existent order learned Joint Director proceeded to dispose of said Revision case No. 1783 of 1989, which is nullity in the eye of law, is accordingly set aside with direction to Director, Consolidation to consider the matter afresh after notice to the parties.

4. The writ petition is, accordingly, disposed of.

(V.N. Sinha, J)

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