

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4589 of 1998**

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Maheshwar Prasad alias Maheshwar Paswan son of Late Ganga Paswan, resident of Village –Baban Ghat, (Adalpur), P.S. –Mahua, District- Vaishali

.... .... Petitioner

Versus

1. The Director of Consolidation, Bihar, Patna.
2. The Joint director of Consolidation, Bihar, Patna
3. The Deputy Director of Consolidation, Vaishali at HJajipur.
4. The Consolidation Officer, at Jandaha District- Vaishali at Hajipur.
5. Krish Chandra Prasad Sinha son of Late Bhagwat Narayan, resident of Village-Adalpur, P.S. Jandaha, District-Vaishali.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Ram Shankar Das, Adv.  
For the Respondent No.5 : Mr. Bhubneshwar Prasad, Adv.  
For the State : Mr. Sushant Praveen, Adv.  
A.C. to S.C.-27

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**  
**ORAL JUDGMENT**  
**Date: 23-07-2015**

This application has been filed seeking quashing of an order dated 01.02.1997 passed by the Director, Consolidation in Consolidation Revision Case No. 1557 of 1981, whereby he has allowed revision petition preferred by Bhagwat Narayan, father of the private respondent no. 5 and has directed for making correction in record of rights by mentioning his name against the land in question.

2. From the impugned order, it appears that



the said Bhagwat Narayan had earlier preferred C.W.J.C. No. 4092 of 1983 seeking quashing of an earlier order dated 30.06.1983 passed by the Joint Director of Consolidation, Patna in the said Consolidation Revision Case No. 1557 of 1981. This Court vide judgment and order dated 09.04.1992 had quashed the said order dated 30.06.1993 and had remanded the matter back to the revisional authority, to pass an order afresh in the said Consolidation Revision Case No. 1557 of 1981. In compliance of the said order of this Court, the Director, consolidation exercising revisional jurisdiction, has passed the order dated 01.02.1997, which is under challenge in the present proceeding.

3. Learned counsel appearing on behalf of the petitioner has submitted that the land in question relating to Survey Plot No. 603, Khata No. 37 admeasuring 57 decimals situate at Adalpur Anchal, Jandaha under the district Vaishali is his raiyati land over which, he has been in peaceful possession since long. It is his case that Respondent no. 5 or his predecessors-in-interest were never in possession of the land in dispute nor did they have any title over the said

land. He has submitted that even the Cadastral Survey record of rights, does not support the fact that the land in question belongs to Respondent no. 5.

4. I have perused the order dated 01.02.1997, which is under challenge in the present case. It appears from the said order that the Director, Consolidation has taken into account the documents and evidence produced before him by the petitioner as well as Respondent no. 5. It further appears that he has considered the rival contentions of the parties and has reached to a conclusion that wrong entry was made in the "Kaifiyat" column of the Cadastral Survey record of rights as well as Revision Survey record of rights.

5. This Court does not find any reason to interfere with the said order in a proceeding under Article 226 of the Constitution of India, as the said order cannot be said to be without any material available before him or having been passed on consideration of materials, which were irrelevant for decision. I am further of the view that the disputed question of right, title and possession cannot be adjudicated upon in a proceeding under Article 226 of the Constitution of India.

6. This application is, accordingly, dismissed.

7. Dismissal of the present writ application, will, however, not come in the way of the petitioner approaching appropriate forum including civil court of competent jurisdiction, if permissible under the law, for the relief, as he may be advised.

8. There shall, however, be no order as to costs.

**(Chakradhari Sharan Singh, J.)**

Vats/-

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