

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3814 of 1996

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1. Nageshwari Devi wife of Sudama Yadav
2. Keshwari Devi wife of Indradeo Yadav
Residents of village Chamili, P.S. Itarhi, Dist. Buxar
.... Petitioners

Versus

1. State of Bihar
2. The Collector of District Buxar at Buxar.
3. The Deputy Collector, Land Reforms, Buxar at Buxar.
4. Anchal Adhikari, Itarhi, District Buxar.
5. Baban Ram S/o Chhedi Ram
6. Jawahar Ram S/o Chhedi Ram
Residents of village Chamili, P.S. Itarhi, District Buxar.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Naresh Sharma

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

10 09-04-2015 Heard learned counsel for the petitioners. Nobody
has appeared on behalf of the State or the private respondents.

No counter affidavit has also been filed.

The writ application has been filed questioning the
legality of the order dated 01.3.1996 passed by the District
Magistrate, Buxar in Case no. 5 of 1995 (Nageshwari Devi & Ors.
Vs. Baban Ram & Ors) (Annexure-2) which was filed against the
order dated 18.10.1995/19.10.1995 passed by the respondent
Circle officer, Itarhi (Annexure-1) which was affirmed by the
respondent- Deputy Collector Land Reforms, Buxar whereby the
land which was part of the subject land recorded as Anawad



Bihar Sarkar Purani parti settled with eligible persons who were landless. Obviously, the order was passed in the light of the resolution/circular issued by the Government in the Department of revenue. The said order was assailed by the petitioners before the Collector which was rejected as time barred.

The contention of the petitioners is that they were not parties in the proceeding before the Circle officer and as such they could not know about the order. The delay in such circumstance was not deliberate/wilful and the appellate authority ought to have condoned the same and heard the matter on merit. From the averments made in the writ petition, it appears that prior thereto petitioners approached the Civil Court and filed Title Suit No. 163 /74/65/77 for declaration of right title and interest over the suit land. It appears that the same stood abated. However, a proceeding was filed in the Court of Consolidation Authority i.e. the original authority which was rejected. Aggrieved thereby the petitioners filed a revision application before the Director of the Consolidation which was considered and matter was remanded to the Consolidation Officer whereafter the Consolidation Officer, Itarhi vide order dated 26.4.1995 declared right, title and possession of the petitioners over the suit land being R.S. plot no. 94, measuring an area of 1.75 acres.

The grievance of the petitioners is that in the light of the said order of the consolidation authority the revenue or the consolidation records have not been corrected. It has also been stated that the petitioners approached the Circle Officer for correction of the revenue records in the light of the said order. However, it does not appear from the pleadings made in the writ petition that any such application(s) was/were preferred either before the Consolidation Officer or the Circle Officer.

Regard being had to the above, the writ application is disposed of permitting the petitioners to approach the concerned Circle Officer /Consolidation Officer for correction of the Consolidation/ revenue records in the light of the order dated 26.5.1995 passed in case no. 1054/78/1/88-89 (Annexure-6) by the Consolidation Authority (Annexure-6). If any such application is filed, the concerned authority will consider and dispose of the same in accordance with law.

(Kishore Kumar Mandal, J)

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