

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.773 of 1998

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1. Narendra Kumar Singh son of late Kalyan singh
2. Sachindra Singh son of late Kalyan Singh
Both residents of village Jethour Mujhgain, Police Station Amarpur, District-
Bhagalpur.

.... Petitioners

Versus

1, The State of Bihar
2. Joint Director of Consolidation, Bihar, Patna
3. Assistant Director, Consolidation, Bhagalpur
4. The Consolidation Officer, Amarpur, District Banka
5. Mosst. Satya Bhama Kuwar wife of late Jaideo Singh
6. Shyamanand Singh son of late Jaideo Singh
7. Krishna Deo Singh son of late Jaideo Singh
8. Pradeep Singh son of late Jaideo Singh
All residents of village Jethour Majhgain Police Station Amarpur, Dist. Banka
.... Respondents

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Appearance :

For the Petitioners : Mr. Rajendra Narain, Sr. Advocate.
Mr. Rajiv Kumar Singh, Advocate.

For the State : Mr. Dev Kumar Pandey, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 30-04-2015

Heard Mr. Rajendra Narain learned Senior Counsel for
the petitioners and Mr. Dev Kumar Pandey AC to GP-6 for the State.
Nobody has appeared on behalf of the respondents.

Both the parties belong to one family. Kalyan Singh
had one son from his first wife, namely Sahdeo Singh. He had
married second time and from the second marriage seven sons were
born. The respondents belong to the family of the one of the sons
namely Jaideo Singh born from the second wife whereas the writ
petitioners are two other sons of Kalyan Singh born from the second



marriage. Upon publication of draft statement in respect of the subject land the writ petitioners filed an objection under Section 10 B of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (for short 'the Act') which was rejected by the consolidation Officer. Aggrieved thereby an appeal was preferred vide appeal no. 227 of 1990- 1991. After hearing the parties the same was allowed by order dated 14.7.1992 (Annexure-2). Dissatisfied therewith the respondents filed revision application before the respondent Joint Director, Consolidation vide Revision case no. 666 of 1992. The same was allowed. The petitioners have, therefore, challenged the said order.

Mr. Narain while criticizing the revisional order dated 18.10.1997 submits that from bare perusal of the order it would appear that diverse documents were produced on behalf of the both the sides which were noted by the revisional authority in the impugned order but without advertng to those documents and considering the relevancy/effect thereof the revisional Court abruptly concluded in favour of the revisionist/respondents. He has therefore, dubbed the order as product of non application of mind. The revisional Court being the final Court of fact is required to examine the documents produced before him and record reasons. The reasons assigned by the appellate Court in upholding the claim of the

petitioners were also not considered.

Learned counsel for the State on going through the pleadings on record has not been able to dispute the said contention of the petitioners.

In the circumstances, this Court allows the writ petition and sets aside the order dated 18.10.1997 passed by the Joint Director, Consolidation in Revision case no. 666 of 1992 and remit the matter to him for adjudication and passing a fresh order in accordance with law after affording opportunity of hearing to both the parties.

The petitioner undertakes to produce the copy of this order before the said respondent within four weeks enabling the revisional authority to consider the revision and pass a fresh order.

(Kishore Kumar Mandal, J)

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