

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3570 of 1994

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Brajesh Kumar Singh son of late Radha Prasad Singh resident of village – Tetraharh,
P.O.- Tetraharh, Police Station – Dehri Akhori Gola, District – Rohtas, at present
Secretary, Balika Uchha Vidyalaya Tetraharh

.... Petitioner

Versus

1. The State of Bihar
2. Joint Director of Consolidation (H.Q.) Bihar, Patna
- 3(i) Ishwari Singh son of late Keshri Prasad Singh, resident of village Tetraharh, P.S.
Dehri Akhori Gola, District Rohtas
- 3(ii) Savitri Singhwife of Baijnath Prasad Singh, resident of village Buland Bigha,
P.S. Japla, District Palamue.
- 4(i) Sri Dinesh Kumar Singh @ Dinesh Singh
- 4(ii) Sri Arbind Kumar Singh @ Arbind Singh, both sons of Late Baliram Singh,
Resident of Village – Tetraharh, P.S. Akorhi Gola, District Rohtas

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the State : Mrs. Nivedita Nirvikar, G.A.-10
Mr. Manoj Kumar, AC to G.A. -10

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioner and the State.

2. Petitioner is aggrieved by the order dated 07.12.1993

passed by the Joint Director of Consolidation (Headquarters), Bihar,
Patna in Revision Case No. 54 of 1992 filed directly under Section 35
of the Bihar Consolidation of Holdings and Prevention of
Fragmentation Act, 1956 by deceased Respondent nos. 3 and 4, the
widow of late Keshari Prasad Singh and late Baliram Singh.

3. It is submitted on behalf of the petitioner that the
lands in question have been directed to be recorded in the name of the



revision-petitioners ignoring the findings of the Civil Court in Title Suit No. 83 of 1986 filed by one Ram Pravesh Singh claiming title and possession of the lands in question impleading the State of Bihar through Collector as defendant in the suit. It is further submitted that Ram Pravesh Singh is the cousin brother of late Keshari Prasad Singh and late Baliram Singh and once the aforesaid title suit filed by Ram Pravesh Singh was dismissed, the two widows of the other cousin have chosen to file the present consolidation proceedings claiming title and possession over the lands in question suppressing dismissal of the earlier suit and the judgment dated 12.05.1988 passed in Misc. Appeal No. 53 of 1987.

4. From perusal of the impugned order, it does not appear that learned Joint Director of Consolidation while passing the impugned order considered the aforesaid aspect of the matter.

5. Accordingly, while setting aside the impugned order dated 07.12.1993 passed in Revision Case No. 54 of 1992, I remit back the matter to the Director, Consolidation, Bihar, Patna to re-hear the Revision Case No. 54 of 1992 after substituting the revision-petitioners and adding their heirs as petitioners, who were impleaded in the present writ petition as Respondent nos. 3 and 4 and died during the pendency of these proceedings and to consider whether whether the lands in question were initially recorded in the Khatiyan as

Anabad Sarvasadharan Purani Parati Gair Awasiya Awas and was settled in favour of the school under order dated 20.03.1986 passed in Land Settlement Appeal No. 6 of 1985-86, Annexure-2.

(V.N. Sinha, J.)

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