

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8517 of 1995

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Ram Kailash Singh, son of Ram Naresh Singh, resident of Village – Bhagwanpur,
Police Station – Kargahar, District - Rohtas

.... Petitioner/s

Versus

- 1 State of Bihar
- 2 Joint Director, Consolidation (Headquarters), Patna
- 3 Deputy Director, Consolidation, Rohtas at Sasaram
- 4 Consolidation Officer, Kargahar, Rohtas
- 5 Deonandan Singh, son of Ram Dhari Singh, resident of Village – Bhagwanpur,
PO & PS – Kargahar, District - Rohtas

.... Respondent/s

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For the Petitioner/s : Mr. Bishwa Nath Chaudhary, Advocate

For the S t a t e : Mr Kundan Bahadur Singh, SC XXII

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 09-07-2015

The petitioner is aggrieved by the revisional order passed by the Joint Director (Consolidation) whereby the appellate order, which was in favour of the petitioner and against respondent No 5, has been set aside.

2 Heard learned counsel for the petitioner and learned counsel for the State. Respondent No 5, has appeared but no one is present on his behalf. There is no counter affidavit on record.

3 The grievance of the learned counsel for the petitioner is that the appellate authority, having considered the matter in detail, had allowed the appeal clearly holding that petitioner had his boring and his well on the two chaks that were allotted to him in

respect of lands which were under consolidation. Carving out a small portion of about 0.95 acres from petitioner's chak and allotting it to respondent No 5 was not proper inasmuch as that contained the irrigation facility for the petitioner as well. Learned counsel points out that the Joint Director, in his order, has clearly not applied his mind and in similar manner, without noticing these vital issues, set aside the order of the appellate authority.

4 Having considered the matter, in my view, the submission is correct. The revisional authority, being the last authority, should decide the issue as to be more careful and more thorough. The facts, as appeared from the appellate order, if are correct, then there was no reason to interfere in revision.

5 Thus, having considered the matter, this writ petition is allowed. The order of the revisional authority, as contained in Annexure 6 being order dated 15.07.1995, is set aside and it would be open to the revisional authority to reconsider the matter if and when moved by the parties concerned.

(Navaniti Prasad Singh, J)

M.E.H./-

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