

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1575 of 1995**

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1. Most. Dasarathiya Kuer, wife of Late Baikunth Tiwari
  2. Kedar Tiwari @ Kedar Nath Tiwari, son of Late Baikunth Tiwari
  3. Badri Tiwari, son of Late Baikunth Tiwari.  
All residents of Village- Barishwan, P.O.- Barishwan, P.S.- Shahpur, District- Bhojpur. .... Petitioners

Versus

1. The State of Bihar
2. The Principal, Consolidation Training Institute, Patna at Patna.
3. The Deputy Director of Consolidation, Bhojpur at Arrah.
4. The Consolidation Officer, Shahpur..... Respondents 1<sup>st</sup> Set.
5. Kesho Tiwari, son of Narayan Ahir, wrongly described in Consolidation Revision Case as son of Ramnarain Tiwari.
6. Chhiteshwar Tiwari,
7. Sheo Bihari Tiwari,
8. Awadh Bihari Tiwari
9. Sheoji Tiwari
10. Ram Lakhan Tiwari  
All sons of Kabiraj Ahir, wrongly described in Revision petition as Kabiraj Tiwari.  
All residents of Village- Shripalpur, P.S.- Koelbar, District- Bhojpur.  
At present Village- Barishwan, P.O.- Barishwan, P.S.- Shahpur, District- Bhojpur. .... Respondent 2<sup>nd</sup> set.
11. Dipai Devi, daughter of Late Baikunth tiwari, resident of Village- Khopira, P.O. Khopira, P.S.- Sandesh, District- Bhojpur.
12. Sheo Kumari Devi, daughter of Late Baikunth Tiwari, resident of Village- Palia, P.O.- Kokila, P.S.- Jagdishpur, District- Bhojpur. .... Respondent 3<sup>rd</sup> set.
13. Most. Nagina Kuer, Wife of Barai Tiwari
14. Naresh tiwari, son of Late Bari Tiwari
15. Bagwati Devi, daughter of Late Barai Tiwari
16. Chaturi Devi, daughter of late Barai Tiwari  
All residents of Village- Barishwan, P.O.- Barishwan, P.S.- Shahpur, District- Bhojpur .... Respondents 4<sup>th</sup> set.

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**Appearance :**

For the Petitioner/s : Mr. ANIL KUMAR RAI  
Mr. Binod Kumar

For the Respondent/s : Mr. (SC3)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**

**ORAL JUDGMENT**

**Date: 16-04-2015**

A supplementary affidavit has been filed on behalf of the petitioners bringing on record the order passed in Title Suit no. 6 of 1986 filed by respondent 2<sup>nd</sup> set, in which their claim against the

petitioners has been substantially rejected.

In the instant case, the petitioners have prayed for setting aside the order dated 02.01.1995, passed in Consolidation Revision Case No. 08 of 1994 under Section 35 of the Consolidation Act.

In view of the facts brought on record, it may not be required to decide the merit of the issue.

It appears that earlier respondent 2<sup>nd</sup> set filed Title Suit No. 6 of 1986, which abated in view of Section 3 of the Consolidation Act.

Learned counsel submits that as Consolidation Proceeding was over, Title Suit No. 6 of 1986 survived and was decided on 22.10.2001 by learned Sub-Judge-VII, Bhojpur, Arrah.

Counsel for the petitioners submits that no appeal or revision has been preferred against the said judgment. It goes without saying that the judgment in Title Suit would have an overriding effect and the order passed by the Director Consolidation would be subject to the decision in title suit in respect of plots and the parties and those claiming through them.

This application stands disposed of.

**(Samarendra Pratap Singh, J.)**

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