

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.915 of 2004

IN

Civil Writ Jurisdiction Case No. 6149 of 2000

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1. Lorpochan Choudhary son of Late Ram Gobind Choudhary
 2. Ram Pravesh Choudhary @ Goshal Choudhary
 3. Umeshwar Choudhary, both son of Late Kanhaiya Choudhary
 4. Manager Choudhary
 5. Tipen Choudhary, both sons of Late Jairakhen Choudhary
 6. Sunil Choudhary
 7. Satish Choudhary
 8. Sudhir Choudhary. All sons of Late Wakil Choudhary
 9. Adhikaro Kuer widow of Late Lal Choudhary
 10. Surendra Choudhary @ Surendra Prasad Choudhary
 11. Mahendra Choudhary, both sons of Late Lal Choudhary. All Resident of Village & Post Office – Belaur, Police Station – Udwant Nagar, District - Bhojpur

.... Petitioners/Appellants

Versus

1. The State of Bihar
2. Director of Consolidation, Bihar at Patna
3. Deputy Director of Consolidation (Rohtas) at Patna
4. Deputy Director of Consolidation, Bhojpur at Ara
5. Consolidation Officer, Udwant Nagar, District Bhojpur
6. Matukan Choudhary
7. Alakhdeo Choudhary, both sons of Late Bansropan Choudhary
8. Lagmano Devi wife of Alakhdeo Choudhary
9. Shanker Choudhary son of Matukan Choudhary
10. Lalmuni Devi widow of Late Chandradip Choudhary
11. Shanti Devi Daughter of Late Chandradip Choudhary. All are Resident of Village & Post Office – Belaur, Police Station – Udwant Nagar, District - Bhojpur

.... Respondents/Respondents

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Advocate

For the Respondent/s : Mr. Ras Bihari Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 21-04-2015

Heard learned counsel for the appellants and Sri Ras Bihari

Thakur, counsel for the respondents.

2. This appeal is directed against the order dated 05.08.2004 passed in C.W.J.C. No. 6149 of 2000 whereunder learned Single Judge of this Court has affirmed the order dated 12.06.1999 passed by the Deputy Director of Consolidation (Headquarters) in Revision Case No. 23/1998.

3. It is submitted on behalf of the appellants that the aforesaid revision case was filed against the order dated 03.01.1998 passed by the Deputy Director of Consolidation, Bhojpur, Ara in Appeal No. 9/1992-93 and the Revision Case No. 23/1998 was required to have been heard by either the Joint Director or Director, Consolidation, Bihar, Patna, as Deputy Director of Consolidation (Headquarters) is an officer of the same rank and status of which Deputy Director of Consolidation, Bhojpur, Ara, who has disposed of the said appeal. It further appears that the revisional order has been passed by the Deputy Director of Consolidation, Rohtas, who had absolutely no jurisdiction in the matter.

4. The appeal having been disposed of by the Deputy Director of Consolidation, Bhojpur, Ara, the revision arising out of the said order, in our opinion, was required to have been disposed of by the Joint Director or Director, Consolidation, Bihar and not by the Deputy Director of Consolidation, Rohtas, who is an officer of the

same rank and status of which Deputy Director Consolidation, Bhojpur, Ara.

5. In the circumstances, we have no option, but to set aside the order dated 05.08.2004 passed in CWJC No. 6149 of 2000 as also the order dated 12.06.1999 passed by the Deputy Director of Consolidation, Rohtas in Revision Case No. 23/1998 and remit back the matter to the Director, Consolidation to either hear the matter himself or ask any Joint Director or Additional Director of Consolidation to hear the same.

6. As the revision was filed in the year 1998, we expect from the Director, Consolidation, Bihar, Patna to ensure its hearing and disposal within a reasonable time, not exceeding two months from the date of receipt/ production of a copy of this order before the Director, Consolidation, Bihar.

7. The appeal stands allowed.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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