

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6885 of 1999

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1(a) Vivekanand Sah
1(b) Sudharma Nand Gupta
1© Daya Nand Gupta, All sons of late Suraj Sah
1(d) Shanti Devi
1(e) Janki Devi
1(f) Maiyee Devi, All daughters of Late Suraj Sah
1(g) P. Kuar
1(h) Pramod Kumar
1(j) Santosh Kumar, all grand sons of late Suraj Singh
2. Brij Kumar Sah
3. Baleshwar Sah
4. Balkumar Sah, all sons of Jakhan Sah, resident of village-Belaon, Police Station-Bhagwanpur, P.O. Kharenda, Dist- Kaimoor (Bhabua).....
Petitioner/s

Versus

1. The State of Bihar
2. The Consolidation Officer, Bhaganpur
3. The Director of Consolidation, Bihar, Patna
4. Sheo Pujan Tiwary, son of late Churlate Tiwary, resident of village-Belaon, P>S. Bhagwanpur, P.O. Kharcnda, Dist. Kaimoor (Bhabua)

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Respondent/s

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Appearance :

For the Petitioner/s : Mr. Achhaibar Singh
For the Respondent/s : Mr. (Gp5)
Mr. Narendra Kumar
Mr. Tej Narayan Singh
Mr. P.K.Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 23-07-2015 1. This is an application seeking quashing of an order dated 23.6.1999 passed by the Director of Consolidation, Bihar, Patna in Consolidation Revision Case No. 340 of 1998.

2. The order-sheet of said Consolidation Revision

Case No. 340 of 1998 will depict the manner in which the Director, Consolidation has passed the order:-

"10.12.1998. A Revision petition has been filed today by Shio Pujan Tiwari and others against the order of the Dy. Director.... Passed in appeal No..... Put up on 19.2.1999/26.5.99 for hearing on the point of admission before Director, Consolidation.

6.5.99. Adjourned to 23.6.99.

23.6.99. Heard. The consolidation Officer, Bhagwanpur (Kaimur) is directed to correct the Chak-Panju and Map of chak Plot no. 496 in view of the sale deed no. 5598 and 5599 dated 19.6.1987 and 8790 dated 25.7.1991 in the name of the purchaser and the area of land mentioned therein."

3. There is absolutely no discussion by the Director, Consolidation while exercising power under Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956. There is no mention as to whether he had called for the records of the connected proceeding from the Subordinate Authorities. The order on the face of it appears to be unsustainable, containing no reasons and discussion.

4. The order dated 23.6.1999, therefore, cannot be

sustained and is, accordingly, set aside.

5. The matter stands remanded back to the Court of Director, Consolidation, Bihar, Patna for passing an order afresh in the said Revision Case No. 340 of 1998.

6. This application is accordingly, allowed.

7. However, there shall be no order as to costs.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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