

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5399 of 2011

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1. Shree Krishna Singh Son Of Late Harihar Prasad Singh Resident Of
Village Sheonagar, (Sabalpur)P.S. Panjwara P.O. Mandar Vidapith, District
Banka

.... .. Defendant- Petitioner

Versus

1. Mirtyunjay Prasad Singh Son Of Late Harihar Prasad Singh Resident Of
Village Sheonagar, P.O. Mandar Vidyapith , P.S. Panjwara, District Banka
2. Ram Narayan Singh Son Of Late Harihar Pd. Singh Resident Of Village
Sheonagar, P.O. Mandar Vidyapith P.S. Panjwara , District Banka

.... .. Plaintiffs- Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Abhay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

11 17-08-2015

None for the defendant-petitioner.

Heard Mr. Abhay Kumar Singh who has appeared
on behalf of the plaintiffs-respondents.

The plaintiff-respondent filed Title Suit no. 72 of
2007 for partition of the suit land. A petition was filed by the
defendant for abetting the suit under Section 4(b) of the Bihar
Consolidation of Holdings and Prevention of Fragmentation Act,
1956 (for short 'the Act'). It was opposed by the other side.
Both the parties filed information which were supplied to them
by the consolidation authorities on the information slip(s). The
trial court found the document submitted by the plaintiff more
convincing in order to find that the consolidation operation was

almost over in the three mouzas within which the suit land fall. That apart, the suit was for partition of the subject land. Under the Act such partition can be prayed and granted by the consolidation authority only when there is agreement/consent. There is no such agreement/consent between the parties since both of them are fighting the litigation in Court since long.

This Court , in view of the above, does not find any patent illegality/ flaw in the impugned order.

Dismissed.

(Kishore Kumar Mandal, J)

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