

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16202 of 2012

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Sheo Shankar Singh S/O Late Raja Singh @ Bipat Mahto R/O Village-
Saifganj, P.S.- Bankey Bazar, P.O. and Anchal- Bankey Bazar, District-
Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna
3. The Joint Director of Consolidation, Gaya
4. The Deputy Director of Consolidation, Gaya
5. The Consolidation Officer, Amas, District- Gaya
6. The Amin, Consolidation Office, Amas, District- Gaya
7. Indradev Prasad Indu S/O Jagarnath Prasad R/O Village- Bankey Bazar,
P.S.- Bankey Bazar, P.O. Bankey Bazar, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Sr.Advocate
Mr. Praveen Prakash, Advocate

For the Respondent Nos. 1 to 6 : Mr. Kamal Kumar Sinha, AC to AAG 2

For the Respondent No.7 : Mr. Jitendra Pd.Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-10-2015

Heard the parties.

2. The petitioner is aggrieved by the order dated 10.03.2011/09.04.2012 passed in Misc.Case No. 1 of 2010-11 by the respondent Consolidation Officer, Amas, District Gaya, as contained in Annexure-1, whereby in a purported compliance of the order of this Court, by a most cryptic and non-speaking order, he has issued direction for making necessary correction in the map.

3. Learned senior counsel appearing on behalf of the petitioner submits that the respondent no.7 had moved earlier before this Court in CWJC No. 16956 of 2010, which was finally disposed of by order dated 08.10.2010 (Annexure-6) by a Bench of this Court with a direction to the respondent Consolidation



Officer, Amas to pass an appropriate order in the light of the aforesaid order of this Court, after giving an opportunity of hearing to the petitioner of the present case and after taking measurement of the lands in question in the presence of the parties. It is contended that in view of the aforesaid order, respondent no.7 filed aforesaid Misc.Case no. 1 of 2010-11 before the Consolidation Officer, Amas, in which notice was issued to the petitioner, but without considering his claim by a cryptic order, direction has been issued for correction of the map. It is highlighted that the impugned order passed by the respondent Consolidation Officer is not in consonance with the earlier directions of this Court, rather it is in the teeth of that order. It is further pointed out that the case of the petitioner was not at all considered by the respondent Consolidation Officer, while passing the impugned order. It is also pointed out that in the counter affidavit filed on behalf of the respondent nos. 3 and 5, the mistake committed by the respondent Consolidation Officer has been admitted in paragraphs 5 and 6. It is pleaded that in above background, impugned order passed by the respondent Consolidation Officer is liable to be set aside and quashed by this Court.

4. The matter has been contested by the learned State counsel appearing on behalf of the respondent nos. 1 to 6 and the learned counsel appearing on behalf of the respondent no.7 and they have filed their separate sets of counter affidavits. It is submitted by them that, in fact, aforesaid Misc.Case is still pending and final order is yet to be passed. However, they have not been able to dispute the admission made in the counter affidavit filed on behalf of the respondent nos. 3 and 5 about mistake committed by the respondent Consolidation Officer and

the Incharge Amin regarding plot number.

5. After having heard the parties and taking into consideration the submissions advanced on their behalf, noticed above, this Court is of the opinion that impugned order 10.03.2011/09.04.2012 (Annexure-1) passed in Misc.Case No. 1 of 2010-11 by the respondent Consolidation Officer, Amas, Gaya cannot be sustained in law and the matter is required to be decided afresh by the respondent Consolidation Officer, Amas, District Gaya.

6. For the reasons recorded above, the impugned order as contained in Annexure-1 is hereby set aside and quashed.

7. Indisputably, aforesaid Misc.Case filed by the respondent no.7 is still pending; therefore, the respondent Consolidation Officer, Amas, Gaya is directed to give an opportunity of hearing to the petitioner as also the respondent no.7, besides others, whereafter he shall pass a fresh order in accordance with law.

8. In order to expedite the matter, the petitioner as also the respondent no.7 are hereby directed to appear before the respondent Consolidation Officer, Amas, District Gaya within a period of one month from today with a certified copy of the present order, whereafter he shall fix a firm date for hearing the aforesaid Misc.Case afresh and for deciding the same by a reasoned and speaking order.

9. The writ petition stands allowed to the extent indicated above. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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