

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13623 of 2005



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1. Ram Pati Singh son of Late Shri Kailash Singh (expunged vide order dated 11.1.2016 and substituted by his following heirs:)
(a). Birja Singh
(b). Girija Sahankar Singh,
(C).Jitendra Singh, all sons of Shri Ram Pati Singh(deceased) and residents of Village Jhali, Post- Sabar, P.S.- Karamchak (Bhagwanpur), District- Kaimur (Bhabhua)
 2. Sheo Pati Singh,
 3. Jag Narayan Singh, Both sons of Late Shri Kailash Singh and residents of village- Jhali, P.O.- Sabar, P.S.- Karamchak (Bhagwanpur), District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Kaimur at Bhabhua
3. The Deputy Collector, Land Reforms, Bhabhua, District- Kaimur
4. The Anchal Adhikari, Bhagwanpur, District- Kaimur at Bhabhua
5. Haridwar Singh son of late Shri Akalu Singh
6. Mohan Singh
7. Bhajan Singh
8. Megh Nath Singh
9. Ram Nagina Singh Sl. No. 6 to 9 are son of Late Mahavir Singh and Sl. No. 5 to 9 are residents of village- Jhali, P.O.- Sabar, P.S.- Karamchat (Bhagwanpur), District- Kaimur (Bhabhua)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha, Advocate.
For the Respondent Nos. 1to 4 : Mr. Ajay Kumar Sharma, AC to PAAG.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 22-01-2016 Heard the parties.

The matters at issue is the validity and correctness of the orders passed by the Revenue Authorities regarding mutation of the lands in question, fully detailed in paragraph-7 of the writ petition.

The learned Counsel appearing on behalf of the petitioners submits that though, the claim of the petitioners for



mutation of the lands in question in their favour has been rejected by all the three Revenue Authorities, but their claim of right, title and possession with respect to the lands in question has been allowed in the Consolidation proceeding by the Deputy Director of Consolidation, Rohtas at Sasaram by his order dated 12.11.1993 passed in Appeal No. 230 of 1989-90 (Annexure-5). He further submits that against the aforesaid appellate order, the private respondents have filed Consolidation Revision case before the Director of Consolidation, Bihar, Patna, which is still pending for final adjudication. However, according to the learned counsel appearing on behalf of the petitioners, number of aforesaid Consolidation Revision Case is 123 of 2004, but according to the counter affidavit filed on behalf of respondents no. 1 to 4, number of aforesaid consolidation revision case is 103 of 2004.

In the aforesaid factual matrix, the learned counsel appearing on behalf of the petitioners seeks leave of this Court to withdraw the present writ petition, but with an observation by this Court that the orders passed by the Revenue Authorities in the mutation proceeding, shall be subject to final outcome of the orders passed in the consolidation proceeding particularly by the revisional authority.

The learned AC to PAAG appearing on behalf of respondent no. 1 to 4 does not raise any objection to the aforesaid prayer made by the learned counsel appearing on behalf of the petitioners. According to him, in fact, in the consolidation proceeding, the issues of right, title and possession are required to be gone into and that will be binding to the parties.

In view of the aforesaid submissions and fair stand taken by the learned counsel appearing on behalf of the parties, the

present writ petition stands disposed of as withdrawn, but with an observation that the impugned orders passed in the impugned mutation proceeding regarding the lands in question shall be subject to final outcome/ order passed in the consolidation proceeding including in the aforesaid pending consolidation revision case by the revisional authority.

It is clarified that the parties shall be at liberty to raise all the issues of facts and law with respect to the lands in question before the Director of Consolidation, Bihar, Patna in the aforesaid pending consolidation revision case.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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