

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5635 of 2009

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1. Dwarika Mishra
 2. Krishna Lal Mishra
 3. Shri Bhagwan Mishra, all sons of late Algu Mishra, residents of village-Naya Bhojpur, P.S. Dumraon, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna.
3. The Joint Director (Head quarter) Consolidation, Bihar, Patna.
4. The Consolidation Officer, Simari, District- Buxar.
5. Rajendra Mishra
6. Basant Mishra
7. Dasrath Mishra
8. Kapildeo Mishra, al sons of late Kedar Mishra, all 5 to 8 resident of village Naya Bhojpur, P.S. Dumraon, District Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai
Mr. Rajesh Kumar

For the Respondent No.1 to 4 : Mr. Manoj Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-05-2016 The petitioners are aggrieved by the order dated 28.08.2008 passed in Consolidation Revision Case No. 127 of 2004 by the Joint Director of Consolidation (Headquarter) Bihar, Patna, as contained in Annexure-4 to the writ petition, whereby aforesaid consolidation revision case filed on behalf of the petitioners straightaway under Section 35 of The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (in short 'Act, 1956'), without approaching the appellate authority, has been dismissed by a reasoned and speaking order and the order dated 07.03.1990 passed by the Consolidation Officer, Simri in the present district of Buxar has been affirmed.

Apparently, by recording a concurrent finding of facts, both, the original authority as also the revisional authority, have

rejected the claims raised on behalf of the petitioners with respect to the lands in question.

Admittedly, the petitioners did not challenge the order of the original authority passed on 07.03.1990 before the prescribed appellate authority provided under the Act, 1956 and after long time, they approached the revisional authority under Section 35 of the Act, 1956, who considered the case of the parties and finally rejected the claims raised on behalf of the writ petitioners.

In view of the fact that original authority as also the revisional authority have rejected the claim raised on behalf of the petitioners by recording concurrent finding of facts against them, this Court does not feel persuaded to interfere with the order dated 28.08.2008 passed in Consolidation Revision Case No. 127 of 2004 by the Joint Director of Consolidation (Headquarter) Bihar, Patna, as contained in Annexure-4 to the writ petition.

Accordingly, the writ petition is rejected.

(Birendra Prasad Verma, J)

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