

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.544 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 22588 of 2012

=====

Ram Briksh Ram @ Faujdar Chamar Son Of Late Jhuri Chamar, Resident Of
Village Pandeharia, P.S. Mohania, District Kaimur

.... Appellant/s

Versus

1. The State Of Bihar
2. The Director Of Consolidation, Bihar, Patna
3. Consolidation Officer, Mohania
4. Moti Lal Chama
5. Mukh Lal Chamar

Both are Son Of Late Jhuri Chamar, Resident Of Village Pandeharia, P.S. Mohania,
District Kaimur at Bhabua

.... Respondent/s

=====

Appearance :

For the Appellant : Mr. Tribhuwan Narayan, Advocate

For the State : Mr. Sarvesh Kumar Singh, AAG 13 with
Mrs. Sunita Kumari, AC to AAG 13

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 07-09-2016

The challenge in the present Letters Patent Appeal is to
an order dated 3rd February, 2014 passed in C.W.J.C. No. 22588 of
2012 whereby the appellant invoked the revisional jurisdiction of the
Director, Consolidation under Section 35 of the Bihar Consolidation
of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter
referred to as the 'Act') after 40 years of the order passed by the
Consolidation Officer in the year 1997. The learned Single Bench set
aside the said order and also noticed the fact that the present appellant
has already filed a Title Suit which is pending.

We do not find any error in the order passed by the

learned Single Bench. The Revisional jurisdiction can be exercised under Section 35 of the Act even in the absence of any time limit fixed therein but within a reasonable time. Such is the view taken by the Single Judge of this Court in the case of **Bhanumati Devi vs. State of Bihar** reported as **2011 (3) PLJR 542**. Therefore, the appellant could not seek set aside of an order passed by the Consolidation Officer in the year 1977 by way of a revision in the year 2009.

Be that as it may, the fact remains that the appellant has filed Title Suit which is pending before the Civil Court. Since the Title Suit is pending, the order of the Consolidation Officer shall be the subject to the decree which may be granted by the Civil Court in accordance with law.

In view thereof, we do not find any merit in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal and the same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A