

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18406 of 2012

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Shivjee Das S/O Late Janki Das, resident of Village- Bherokhara, P.O.-
Bherokhara, P.S.- Patepur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna
3. The Joint Secretary of Consolidation, Muzaffarpur
4. The Deputy Director of Consolidation, Vaishali, Hazipur
5. The Assistant Director of Consolidation, Patepur Block
6. Ram Bilash Sah S/O- Late Ram Sawrup Sah, resident of
Village- Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
7. Ram Babu Sah S/O Late Ram Sawrup Sah, resident of
Village- Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
8. Ram Das Sah S/O- Late Ram Sawrup Sah, resident of
Village- Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
9. Ram Chandra Sah S/O- Late Ram Sawrup Sah, resident of
Village- Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
10. Chinta Devi W/O- Late Shyamanand Sah, resident Of
Village- Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
11. Nagendra Sah S/O- Late Sarjug Sah, resident of Village-
Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
12. Pramod Sah S/O- Late Kailash Sah, resident of Village-
Bherokhara, P.O.- Bherokhara, P.S.- Patepur, District- Vaishali
13. Nanki Sah S/O Late Kailash Sah, resident of Village- Bherokhara,
P.O.- Bherokhara, P.S.- Patepur, District- Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.S.K.Thakur, Advocate
Mr. Nalin Kumar, Advocate

For the Respondent Nos. 1 to 5 : Mr. Ram Shankar Prasad, AC to GP 7

For the Respondent Nos.6 to 10: Mr.Bhubneshwar Prasad, Advocate
Mr.Sarbottam Kumar Sarkar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 18-03-2016

Heard the parties.

2. The petitioner is aggrieved by the order dated 14.05.2010 passed in Consolidation Revision Case No. 80 of 2009 by the respondent Joint Director of Consolidation, Muzaffarpur, as contained in Annexure-1 to the writ petition, whereby the aforesaid revision application filed on behalf of the private

respondents has been allowed and the order passed by the appellate authority has been set aside.

3. The learned counsel appearing on behalf of the petitioner submits that apart from the merits, the impugned revisional order is not sustainable in law on the ground of violation of rules of natural justice. By referring to the averments made in paragraph 16 of the present writ petition, he submits that at no point of time, notice was served upon the petitioner and the impugned revisional order has been passed ex-parte.

4. The learned counsel appearing on behalf of the private respondents as also the learned State counsel appearing on behalf of the official respondents have contested the matter on merits. However, they have not been able to produce any material to show that before passing the impugned revisional order, an opportunity of hearing was given to the petitioner.

5. On plain reading of the impugned revisional order, this Court finds that the learned revisional authority itself has recorded a finding that the impugned order was being passed ex-parte. Apparently, the rules of natural justice has not been followed before passing the impugned revisional order.

6. In above view of the matter, without going into the merits of the claims of the parties with respect to the lands in question, the impugned revisional order is set aside on the ground of violation of rules of natural justice and the matter is remitted to the Director of Consolidation, Bihar, Patna with a direction to decide the aforesaid Consolidation Revision Case No. 80 of 2009 afresh strictly in accordance with law, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioner as also the private respondent nos. 6 to

13, besides others, if any.

7. In order to expedite the matter, the petitioner as also the private respondents are hereby directed to appear before the Director of Consolidation, Bihar, Patna within a period of one month from today with a certified copy of the present order, whereafter the Director of Consolidation, Bihar, Patna shall proceed further to decide the aforesaid Consolidation Revision Case No. 80 of 2009 afresh strictly in accordance with law, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioner and the private respondents, besides others, if any.

8. 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, which may be available to them, before the respondent Director of Consolidation, Bihar, Patna.

10. The writ petition stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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