

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10197 of 2014

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Dukhi Mahto son of Late Buchchi @ Rabbi Mahto, resident of Village-
Telwa Goath, P.O- Nemua, P.S+ District- Supaul. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
 2. The Director, Consolidation, Bihar, Patna.
 3. The Commissioner, Koshi Division, Saharsa.
 4. The Collector, Supaul, District- Supaul.
 5. The Deputy Collector of Land Reforms, Supaul.
 6. The Circle Officer, Supaul.
 7. Tejendra Choudhary son of Late Bhubhneswar Choudhary, resident of Village+ P.O- Nemua, Sub- Division- Malhani Gopal, P.S+ District- Supaul
 8. Kailu Mahto son of Late Misri Mahto, resident of Village Telwa Goth, P.O- Nemua, Sub- Division, Malhani, Gopal, P.S+ District- Supaul.
- Respondent/s
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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Respondent Nos. 1 to 6: Mr. Pankaj Kumar Singh, AC to SC 28
For the Respondent No.7 : Mr. Manish, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-05-2016

Heard the parties.

The petitioner is aggrieved by the order dated 18.07.2013 passed in Consolidation Revision Case No. 71 of 2013 by the respondent Director of Consolidation, Bihar, Patna, as contained in Annexure-4 to the writ petition, whereby aforesaid revision application filed on behalf of the respondent no.7 was allowed by one line of order on the ground that his claim was supported by the respondent no.8 and the present petitioner did not appear.

The learned counsel appearing on behalf of the respondent no.7 submits that the respondent no.8 supports the claim of respondent no.7 and therefore his revision case was allowed.

After having heard the parties and taking into consideration the nature of the impugned order, which is completely non-speaking and cryptic one, passed by the

respondent Director of Consolidation, Bihar, Patna, this Court is of the opinion that the entire matters require reconsideration and a fresh decision by the present Director of Consolidation, Bihar, Patna, as the Director of Consolidation, being the final court of facts, with respect to the consolidation proceedings, ought to have recorded reasons for allowing the revision case of respondent no.7, but nothing of that sort has been done by him while passing the impugned order.

For the reasons recorded above, the impugned order dated 18.07.2013 passed in Consolidation Revision Case No. 71 of 2013 by the Director of Consolidation, Bihar, Patna, as contained in Annexure-4, is hereby set aside and quashed, and the matter is remitted back to the Director of Consolidation, Bihar, Patna with a direction to decide the aforesaid Consolidation Revision Case No. 71 of 2013 afresh at an early date preferably within a period of three months from the date of appearance of the parties before him, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioner and respondent no.7 and 8, besides others, if any.

In order to expedite the matter, the petitioner and the respondent no.7 are hereby directed to appear before the respondent Director of Consolidation, Bihar, Patna within a period of one month from today with a certified copy of the present order, whereafter the respondent Director of Consolidation shall fix a firm date for proceeding in the matter and deciding the aforesaid consolidation revision case afresh strictly in accordance with law.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above. No costs.

Tahir/-

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(Birendra Prasad Verma, J)