

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2885 of 2016

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Shiv Shankar Choudhary

.... Petitioner/s

Versus

Manoj Chaudhary & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-07-2016

Heard the learned counsel, Mr. Vaidyanath Thakur for the petitioner.

Perused the order dated 15.12.2015 passed by the learned Execution Munsif, Muzaffarpur in Title Suit No.76 of 1990 whereby the Court below has held that the suit has abated.

The Hon'ble Supreme Court in the case of **Paras Nath Rai & Ors. v. State of Bihar & Ors., AIR 2013 Supreme Court 1010** has held that once a notification has been published under Section 3 of the Act, every suit and proceeding in respect of declaration of rights or interest in any land lying in areas or for declaration or adjudication of any other rights in regard to which proceeding can or ought to be taken under the Act pending before any court or ought to be taken under the Act pending before any Court or authority whether of the first instance or of appeal, reference or revision, shall, on order being passed in that behalf by

the Court or authority before whom such suit or proceeding is pending shall stand abated.”

The Hon’ble Supreme Court also held that “this is with a view to ensure that the jurisdiction of the authorities under the Consolidation Act remains unhampered and the said authorities are not obstructed by the proceedings in Civil Courts and their decisions are not impeded by the decision of the Civil Courts. It is also vivid that the purpose of the scheme of consolidation is to avoid conflict of jurisdiction in order to confer jurisdiction on the consolidation authorities who are required to exclusively examine the rival claims of the parties.”

In view of the above settled law laid down by the Supreme Court, I do not find any reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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