

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6127 of 2004

=====

Hardeo Ram S/o Late Mathura Chamar, resident of Village Mobarakpur, P.S. Mohania , P.O. Piparia Via Durgawati, District Kaimur **(Expunged vide order dated 03.11.2006 and substituted by his widow as his heir and legal representative)**

Mosmat. Budhiya Devi widow of Late Hardeo Ram

.... Petitioner/s

Versus

1. The Research officer Consolidation, Headquarter, Patna
 2. The Deputy Director, Consolidation, Rohtas at Sasaram
 3. The Consolidation Officer, Anchal Mohania, Distt. Kaimur
 4. Indar Singh son of Late Sahdeo Singh
 5. Mosmat Munera Devi widow of Late Tailak Dhari Singh
 6. Jhuri Mallah son of Late Ghur Fekan Mallah
 7. MotiMallah son of Late Ram Janam Mallah
- Respondent nos. 4 to 7 are resident of village Mobarakpur, P.O.Piparia via Durgawati, P.S.Mohania, District Kaimur
8. Murit Shankar Jee, Mutawalli Mahabir Singh son of Rup Narain Singh of Village Panapur, P.S.Mohania, District Kaimur
 9. Raj Nath Chamar
 10. Chandar Chamar
 11. Barhu Chamar
- Respondent nos. 9 to 11 are sons of Late Mathura Chamar
12. Dular Chand son of Sahdeo Chamar
- Respondent Nos. 9 to 12 are resident of Village Mobarakpur, P.O. Pupari Vid Durgawati, District Kaimur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nirmal Kr.Shrivastava

For the Respondent Nos. 1 to 3 : Mr. AC to GP 7

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 28-07-2016 The petitioner is aggrieved by the order dated 31.08.1994 passed in Consolidation Revision Case No. 2044 of 1986 by the respondent no.1, as contained in Annexure-2 to the writ petition, whereby the aforesaid revision application filed by one Mathura Chamar, father of the original writ petitioner, was dismissed.

Evidently, the impugned revisional order was passed on 31.08.1994, but the present writ petition was filed on

17.05.2004, after a delay of about 10 years. From the materials available on the record, it appears that the revisionist Mathura Chamar did not challenge the validity and correctness of the aforesaid order dated 31.08.1994 during his life time. However, after his death, the present writ petition was filed only by one of his sons namely, Hardeo Ram, but his remaining sons have been impleaded as the respondent nos. 9 to 11 as they did not join the petitioner for challenging the aforesaid revisional order.

Once the original revisionist has accepted the validity and correctness of the impugned revisional order and did not challenge its validity and correctness during his life time, then after his death, his one of the sons cannot be permitted to challenge the same on the ground of lack of jurisdiction in respondent no.1 in passing the impugned order. Furthermore, the writ petition suffers from delay and laches of about 10 years.

On the aforesaid grounds, the present writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--