

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1653 of 2010

=====

Kapil Muni Singh S/O Late Chaudhary Bal Kishun Singh R/O Vill Parasia,
P.S.Chainpur, Distt-Kaimur at Bhabua Petitioner/s

Versus

1. The State of Bihar
2. Director, Consolidation Bihar, Patna
3. Dy Director of Consolidation Sasaram (Rohtas)
4. Consolidation Officer Chainpur, Bhabua
5. **Most.Lalmati Devi W/O Late Bhogi Singh (Expunged vide order dated 10.11.2014)**
6. Gangotri Devi W/O Late Rajendra Singh
7. Bambhola Singh, minor son of Late Rajendra Singh under guardianship of his natural guardian mother namely Gangotri Devi
8. Usha Devi W/O Late Jagnarain Singh
9. Bipin Kumar Singh, minor son of Jagnarain Singh under guardianship of his natural guardian mother namely Usha Devi
10. Rajesh Singh, minor son of Jagnarain Singh under guardianship of his natural guardian mother namely Usha Devi
11. Prem Singh
12. Indradeo Singh S/O Late Bhogi Singh
13. Radheshyam Singh S/O Bibhuti Singh
14. Kapil Muni Singh S/O Bibhuti Singh
15. Shivaji Singh S/O Bibhuti Singh
16. Rama Singh S/O Bibhuti Singh
17. **Kalpati Devi W/O Late Bibhuti Singh (Expunged vide order dated 10.11.2014)**

All are resident of Village and P.O. Mokari, P.S.Bhabua, District Kaimur at Bhabua
.... Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. Tribhuwan Narayan, Advocate Mr.Mithilesh Kr. Vidhyarthi, Adv.
For the Respondent Nos.1 and 2	: Mr.Ajay Kumar, AC to AAG 8
For the Respondent Nos. 13,15 & 16:	Mr.Yugal Kishore, Sr. Advocate Mr.Ugranath Mallick, Advocate Mr.Virendra Prasad, Advocate Mr.Lalitmani, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 17-05-2016

Heard the parties.

2. The petitioner is aggrieved by order dated 14.05.2009
passed in Consolidation Revision Case Nos. 154 of 1997 and 155 of
1997 by the Director of Consolidation, Bihar, Patna, as contained in
Annexure-4 to the writ petition, whereby aforesaid two consolidation

revision cases filed on behalf of the petitioner under Section 35 of The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (in short “the Consolidation Act”) have been dismissed and order dated 24.02.1989 passed in Consolidation Case No. 22 of 1974-75 vide Annexure-2 and order dated 29.12.1990 passed in Appeal No. 842 of 1989-90 vide Annexure-3 have been affirmed.

3. Admittedly, objection filed under Section 10 (2) of the Consolidation Act was considered by the Consolidation Officer, Chainpur and he passed order dated 24.02.1989 (Annexure-2) directing that the lands in question shall be recorded in the name of the petitioner, but in the remarks column, the names of private respondents shall be recorded as “Awaidh Dakhal” (illegal possession) and accordingly register of land was directed to be corrected.

4. It is not in dispute that against the aforesaid final order dated 24.02.1989 (Annexure-2) no appeal was preferred by the petitioner as provided under Section 10 (6) of the Consolidation Act and it was allowed to attain its finality. But, Consolidation Appeal No. 842 of 1989-90 was filed by the petitioner under Section 10 (6) of the Consolidation Act against the order dated 04.06.1989 passed in Consolidation Case Nos. 8 of 1987-88 and 9 of 1988-89, which was finally dismissed by order dated 29.12.1990 (Annexure-3). Against this order also no revision case was filed for a quite a long time and it was practically allowed to attain its finality. However, after about eight years, aforesaid two Consolidation Revision Case Nos. 154 of 1997 and 155 of 1997 were filed on behalf of the petitioner under Section 35 of the Consolidation Act assailing the validity and correctness of the orders, as contained in Annexures-2 and 3 passed by the Consolidation Officer, Chainpur and Deputy Director of Consolidation, Rohtas, Sasaram respectively. The aforesaid two

consolidation revision applications filed by the petitioner were considered and by a long and reasoned order both the consolidation revision applications have been dismissed and the orders passed by the statutory authorities, as contained in Annexures-2 and 3 have been affirmed.

5. After having heard the parties and taking into consideration the fact that all the statutory authorities under the Consolidation Act have considered the case of the parties at great length and have rejected the claims raised on behalf of the petitioner by recording a concurrent findings of facts against him, this Court does not feel persuaded to interfere with the impugned order dated 14.05.2009 passed by the Director of Consolidation, Bihar, Patna, particularly, in view of the background that order as contained in Annexure-2 passed by the Consolidation Officer, Chainpur has attained its finality and no appeal was preferred by the petitioner, as has been fairly conceded by the learned counsel appearing on behalf of the writ petitioner. The writ petition is devoid of merit and is, accordingly, dismissed.

6. However, it goes without saying that if notification under Section 26A of the Consolidation Act is issued by the State Government closing the consolidation proceeding in the Unit in question and if the petitioner still feels aggrieved, he shall be at liberty to approach the civil court of competent jurisdiction for grant of appropriate relief(s) with respect to lands in question.

(Birendra Prasad Verma, J)

Tahir/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-05-2016
Transmission Date	