

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17086 of 2008

=====

1. Jitendra Sahi & Jitendra Pd.Sa S/o late Jogendra Sahi Resident of Village Sahbaspur, P.S. Aurahi, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Joint Director of Consolidation, Muzaffarpur.
3. Smt. Uganta Devi W/o Maha Chandra Singh resident of Mohalla-Rasulpur Jilari, P.S. Kazi Mohamadpur, District Muzaffarpur.
4. Kaushal Kishore Sahi W/o Sitaram sahi resident of Village Rampur, P.s. Aurahi, District Muzaffarpur.
5. Amamsriha Mishra S/o Keshari Nandan Mishra Vill+P.O. - Mohini Mandal, P.S. Mejor Ganj, Distt. Sitamarhi.

.... Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Kaushlendra Kr.Singh and Mr.Revindra Kumar Rai
For respondent no.3	:	M/s Anil Kumar Singh and Surendra Kumar
For the State	:	Mr. Md. Nadim Seraj,G.P.-5 Mr. Dhurendra Kumar.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

9 17-04-2017 1. Heard learned counsel for the petitioner as well as learned counsel appearing for respondent no.3 and learned counsel for the State.

2. The petitioner has prayed for quashing of the order dated 22.01.1997 passed by the Joint Director, Consolidation, Muzaffarpur in Revision Case No. 618 of 1992.

3. Respondent no.3 has filed a petition under Section 35 of the Bihar Consolidation of holdings and Prevention of Fragmentation Act before the Joint Director, Consolidation,



Muzaffarpur, for recording the disputed land in her name making proper correction in the land record. Initially, respondent no.6 was opposite party to the aforesaid Revision Case no. 618 of 1992 and the notice was issued to him on 03.12.1996 but before receiving notice, a petition was filed on behalf of respondent no.6 before the Joint Director, Consolidation, Muzaffarpur for deleting the name of respondent no.6 and to implead the petitioner as party to the aforesaid proceeding. The aforesaid petition was allowed by the Joint Director, Consolidation, Muzaffarpur, on 06.12.1996 and without giving any notice or summon to the petitioner the Joint Director, Consolidation, Muzaffarpur passed the impugned order dated 22.01.1997.

4. Learned counsel appearing for respondent no.6 submits that the name of respondent no.6 has already been deleted by the court below but even then he has been made party to this writ petition. He further submits that the respondent no.6 has no concern with the present dispute.

5. Considering the above facts and circumstances of the case as well as submissions of the parties, in my view, the impugned order dated 22.01.1997 passed by the Joint Director, Consolidation, Muzaffarpur in Revision Case No. 618 of 1992 is liable to be set aside and accordingly the impugned order dated



22.01.1997 passed by the Joint Director, Consolidation, in Revision Case No. 618 of 1992 is set aside. The matter is remitted back to the Court of learned Joint Director, Consolidation, Muzaffarpur, for fresh consideration with a direction to concerned court to pass a fresh order in Revision Case No. 618 of 1992 within a period of three months from the date of receipt/production of a copy of this order.

6. Since both the parties have appeared before this Court, this Court direct all the parties to appear before the Joint Director, Consolidation, Muzaffarpur in Revision Case no. 618 of 1992 on 09.05.2017.

7. It is made clear that there is no need of respondent no.6 to appear before the joint Director, Consolidation, Muzaffarpur as he does not want to contest the matter.

8. Office should return the lower court records without delay.

9. With the aforesaid observation and direction, this writ petition stands disposed of.

(Hemant Kumar Srivastava, J)

singh/-

U			
---	--	--	--

