

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1521 of 2016
IN
Civil Writ Jurisdiction Case No. 4944 of 2008**

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Ramautar Pandit, Son of Shree Asarfi Pandit, Resident of Village -
Simribakhtiarapur, Block Chowk, Police Station Bakhtiarapur, District - Saharsa

.... Appellant/s

Versus

1. The State of Bihar
 2. Director of Consolidation, Bihar, Patna
 3. Deputy Director of Consolidation, Saharsa
 4. Consolidation Officer, Simribakhtiarapur, District - Saharsa
 5. Assistant Consolidation Officer, Simribakhtiarapur, District Saharsa
-Respondent Nos.1 to 5/Respondents

6. Md. Tarique Ali
7. Md. Ahtesham Alam
8. Md. Sarfaraz Alam
9. Gulnaz Parveen -
10. Shahista Khatoon
11. Rinki Khatoon

All Sons of Daughter of Late Nasima Khatoon and Late Qumibuddin
All resident of village - Madhuban, P.S. Simribakhtiarapur, P.O. Khamoti, District -
Saharsa (Substituted by the order dated 23.11.2009)

.... Petitioners/Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Rajpati & Smt. Durga Kumari
For the Respondent/s : Mr. Indeshwari Pd. Mandal, AC to GA3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-08-2017

Seeking exception to an order dated 24.06.2016 passed by
the learned Writ Court in CWJC No. 4944 of 2008, this appeal has
been filed under Clause 10 of the Letters Patent.

In a consolidation matter, in accordance with the
provisions of the Bihar Consolidation of Holdings and Prevention of



Fragmentation Act, 1956 (hereinafter referred to as ‘the Act’) the learned Writ Court has found the statutory authority to have passed orders without conducting local inspection in terms of Section 10(7) of the Act. Instead of remitting the matter back for the said purpose by the appellate authorities and finding the action taken without spot inspection under Section 10(7) not proper, the matter has been remitted back to the Deputy Director, Consolidation, who has been directed to decide the matter within a period of six weeks in accordance with law.

In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting any interference into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl.

AFR/NAFR	NAFR
CAV DATE	N.A.
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