

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2059 of 2015

In

Civil Writ Jurisdiction Case No.11977 of 1992

Most. Shakuntala Devi wife of late Rajendra Jha Resident of Village-
Madhopur ,Police Station -Bathnaha, District Sitamarhi.

... .. Appellant/s

Versus

1. Gita Devi , W/o late Bhogendra Jha
2. Bechan Jha S/o Late Bhogendra Jha
3. Rani Devi D/o latye Bhogendra Jha
4. Devta Devi D/o late Bhogendra Jha
5. Chunchun Jha son of Harkandey Jha Both resident of Village- Madhopur P.S.
Bathanaha ,District Sitamarhi.
6. The State of Bihar.
7. The Joint Director of Consolidation , Muzaffarpur.
8. The Deputy Director Consolidation, Sitamarhi.
9. The consolidation Officer, Bathanaha.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogendra Mishra Advocate Mr. Ashok Kumar Jha Advocate
For the Respondent/s	:	Mr. Prabhakar Jha GP-27

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 12-09-2017

Heard learned counsel for the appellant and counsel for the
State.

The order impugned is dated 14.05.2015, passed by the
Learned Single Judge, who allowed the writ application, setting
aside the order passed by the Joint Director, Consolidation in



Revision Case No. 2188 of 1989 and remanded the matter back to the Director, Consolidation for fresh consideration, dealing with the points which had been raised by the private-respondents, who were petitioners to the writ application.

The learned counsel for the appellant submits that since the power of revision is very-very limited and it is not open to a revisional court to go into all the facets of the facts and every aspect thereof, including the law, the observation of the Learned Single Judge that the order passed in revision is a non-speaking order or a cursory order, seems to be a misplaced kind of observation or finding given by the Learned Single Judge in allowing the writ application, setting aside the order of the Joint Director, Consolidation and sending it back for reconsideration.

The basic power, which has been vested in revisional authorities, no doubt, is a power, which is required to be exercised with a holistic view as to the way and the manner in which the subordinate authorities have come to a conclusion, both with regard to the fact as well as the law.

The Court is in agreement with the stand taken by the appellant that the revisional court should not act like an original court, where all the facts as well as evidence is required to be gone into afresh. It is the error, which may be present in the decision



making process or the decision, itself, which is required to be rectified as a kind of final forum.

As a proposition of law, the Court is in agreement with the counsel for the appellant, but if errors have gone into the palpable decision making by the subordinate forums and are emerges during the course of arguments like certain vital facts not having been taken into consideration and still conclusion has been jumped to, the revisional authorities should have power to rectify the same. By non-interference a serious prejudice will be caused to the contesting parties and the very power of revision will prove to be illusory. Therefore, after having gone through the order of the revisional authority and the reasons provided by the Learned Single Judge the reason for remand do exist. The order of the Learned Single Judge setting aside the revisional order, dated 25.06.1992 and remanding it for fresh consideration is the need of the hour.

No interference, therefore, is warranted with the order of the Learned Single Judge.

The appeal is dismissed.

Since it is an old matter, therefore, the Court directs that the Director, Consolidation with the assistance and cooperation of all the parties will ensure that the matter is finally heard and decided



within a period of six months from the date of communication /
production of a copy of this order. The time-frame indicated must
be adhered to and no party should play games with the revisional
authorities by lack of cooperation.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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